

CITY OF MERRILL



PERSONNEL POLICIES

Employee Handbook

November 11, 2022

EMPLOYEE HANDBOOK

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DEFINITIONS

Definitions

APPOINTING AUTHORITY. A City Official or Committee, Commission or Board who has the authority to appoint and remove individuals to and from positions in the City service.

CITY ADMINISTRATOR. The City Administrator or other City official designated by the Common Council by ordinance to manage personnel issues for the City.

COMPENSATION PLAN. The document outlining all positions in the City service and a system showing compensation and position relationships.

COMMON COUNCIL. The Common Council is the governing and policy making body of the City of Merrill and is composed of the eight Alderpersons and Mayor. Its powers and composition is defined in Wis. Stat. Sec. 62.11, as amended from time to time, which section is incorporated into this definition by reference.

DEMOTION. The assignment of an employee from one position to another position with a lower pay range.

DEPARTMENT HEAD. A City employee with the responsibility for the operation of a City Department.

DISCIPLINARY ACTION. The action taken to discipline an employee, including any action from a verbal reprimand, written reprimand, suspension with pay, suspension without pay, demotion, up to and including discharge.

EMPLOYEE. An individual who is legally employed by the City.

EMPLOYMENT DATE. The date a full-time or part-time employee begins City employment

ENTRY LEVEL PAY RATE. The rate at which an individual not currently on the payroll is generally to be paid, generally starting at Step 1.

EXEMPT EMPLOYEE. An employee of the City who is not subject to the overtime rules and regulations of the Fair Labor Standards Act (the FLSA), as amended from time to time. It also includes non-covered employees as defined in the FLSA.

GRIEVANCE. A formal written complaint of a regular City employee regarding working conditions, applications of discipline, any application or violation of the personnel rules and regulations of the City or the department for which the employee works.

LAYOFF. The involuntary separation of an employee because of reasons unrelated to an employee's performance.

LIMITED TERM EMPLOYEE (LTE). An employee occupying a position not established by Common Council action. Limited Term Employees are seasonal and temporary employees that have a clear start and end date. Limited Term Employees are not eligible for any fringe benefits as specified in this manual unless required by Federal or State law.

NON-EXEMPT EMPLOYEE. A City employee subject to the overtime rules and regulations of the Fair Labor Standards Act (FLSA).

PAY RANGE. The minimum through maximum rates of pay established for each position.

POSITION. A grouping of duties and responsibilities to be performed by an employee. A position may be filled or vacant, full-time, part-time, or LTE.

POSITION DESCRIPTION (Job Description). A written description of all the major duties, responsibilities, and requirements of a specific position.

POSITION START DATE. The date an Employee starts in their current position.

PROMOTION. The assignment of an employee from one position to another position with a higher pay range.

RECLASSIFICATION. The reassignment of a position from one pay range to another to recognize a change in the duties and responsibilities of a position or to correct an error in the original assignment.

REINSTATEMENT. The action by which a former employee may be reinstated to a position with pay and/or fringe benefits comparable to that received at the time of separation or as may be appropriate at the time.

SUPERVISOR. The person responsible for the assignment, direction and the work of another employee, usually a full-time City employee.

TERMINATION. The removal of an employee from the payroll for voluntary or involuntary reasons, including dismissal, resignation, retirement, or death.

TRANSFER. The assignment of an employee from one position to another like-type position or a position with the same pay range.

INTRODUCTORY MATTERS

GENERAL POLICY STATEMENT

It is the policy of the City of Merrill to provide equal opportunity in employment to all qualified employees and applicants for employment. Positive action is required from all employees to help ensure that the City of Merrill complies with its obligations under state and federal law.

This Handbook is not a contract of employment. The Handbook supersedes and replaces provisions previously found in collective bargaining agreements that have expired and/or found in personnel policies and procedures that require modification due to the recent legislative enactments. The Handbook applies to non-represented employees as well as general municipal employees previously covered under a collective bargaining agreement. For employees who remain covered under a collective bargaining agreement, the terms of the bargaining agreement supersede the terms of the Handbook. Those policies not covered under the terms of the collective bargaining agreement are covered in this Employee Handbook.

This Employee Handbook acquaints employees with the City of Merrill and its policies and benefits provided to all employees. Although supervisors and City administration may also provide such information, it is hoped that this Handbook will be a ready reference to assist from time to time as the need arises. It does not and is not intended to cover these matters in detail or serve as a contract between any employee and the City.

The contents of this Handbook are presented as a matter of information only. While the City believes in the plans, policies, and procedures described herein, they are not intended to be, nor do they constitute, contracts of employment with individual employees. The City reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time. **The language used in this Handbook is not intended to create, nor is it to be construed to constitute a contract between the City and any one or all of its employees.**

No person(s) other than the Common Council, Library Board, Police and Fire Commission, Transit Commission, Parks and Recreation Commission, and Airport Commission has authority to make any agreement for employment for any specified period of time or to make any agreement contrary to this Handbook. Non-represented employees of the City of Merrill are employees-at-will; that is, employment may be terminated for any reason and with or without notice at any time by the employee or by the City of Merrill. Nothing in the Employee Handbook or any other document or statement limits the right to terminate employment at-will. No express or implied agreement to the contrary may be made unless it is made by the Common Council either through the Ordinances or by an express written agreement signed by the employee and appropriate officials authorized by action of the Common Council, Library Board, Police and Fire Commission, Transit Commission, Parks and Recreation Commission, and Airport Commission.

This Handbook does not supersede the rights granted by State Statutes or City Ordinances to

the Common Council, Library Board, Police and Fire Commission, Transit Commission, Parks and Recreation Commission, and Airport Commission, or any employee covered by this Handbook.

INTRODUCTORY MATTERS

INTRODUCTION

1-1 CITY OF MERRILL EMPLOYEE TEAM VALUES.

As employees of the City of Merrill, we are dedicated and hard working. We strive to perform in a high quality manner. We seek to do a good job, make positive contributions, and grow as public servants. Most importantly, we must treat each other and the citizens with mutual respect, trust and dignity.

To support this philosophy, it is necessary for us to enhance Merrill's quality of life by effectively managing its resources today and in the future. It is also necessary to provide a work environment that is conducive to learning, to improving one's skills and abilities, to promoting teamwork, and encouraging the use of creativity and innovation.

1-2 CITY OF MERRILL EMPLOYEE TEAM PRINCIPLES.

As public employees, we foster the belief that each of us must treat each employee and citizen with the same respect, trust and dignity that we personally desire.

City employees want to do a good job, are hard-working, and can improve the services and programs provided by the City of Merrill.

We never compromise our personal and organizational integrity, while acknowledging that the public interest is always paramount to personal or private interests.

Working together as a team is essential to our success as a City. Teamwork requires full participation and collaboration of all employees.

Everyone in the City organization is an important member of the City of Merrill team.

1-3 CITY OF MERRILL NINE TOOLS OF CIVILITY.

1-3-1 **Pay Attention.** Be aware and attend to the work and the people around you.

1-3-2 **Listen.** Focus on others in order to better understand their points of view.

1-3-3 **Be Inclusive.** Welcome all groups of citizens working for the greater good of the community.

1-3-4 **Don't Gossip.** And don't accept when others choose to do so.

- 1-3-5 **Show Respect.** Honor other people and their opinions, especially in the midst of a disagreement.
- 1-3-6 **Be Agreeable.** Look for opportunities to agree; don't contradict just to do so.
- 1-3-7 **Apologize.** Be sincere and repair damaged relationships.
- 1-3-8 **Give Constructive Criticism.** When disagreeing, stick to the issues and don't make a personal attack.
- 1-3-9 **Take Responsibility.** Don't shift responsibility and blame onto others.

INTRODUCTORY MATTERS

PURPOSE AND SCOPE

2-1 PURPOSE. This Handbook represents the formal documentation of an orderly system of personnel administration that has been developed to meet the organizational needs of the City of Merrill and the employment needs of its personnel. The system set forth herein is consistent with the following principles:

- 2-1-1 Recruitment, selection, placement, and advancement of employees is based upon their relative ability, knowledge, and skills as determined through open competition.
- 2-1-2 Recognition of employee performance which exceeds normal performance.
- 2-1-3 Marginal and/or substandard employee performance is discouraged and corrective action will be taken to ensure its discontinuation.
- 2-1-4 Fair treatment of job applicants and employees in all aspects of personnel administration shall be provided and is based solely upon a consideration of factors except where physical requirements constitute a bona fide occupational qualification.

2-2 EQUAL OPPORTUNITY. Qualified applicants are considered for all positions, and neither the City, nor its agents discriminates against any employee on the basis of race, color, religion, gender, sexual preference, age or national origin. The City only hires individuals who are legally authorized to work with proper documentation.

2-3 POLITICAL ACTIVITY. No person while employed by the City, during duty hours, may engage in any form of political activity calculated to favor or improve the chances of any political party or any person seeking or attempting to hold public political office or public election referenda. Any violations of this section may result in disciplinary action, up to and including termination.

- 2-3-1 Definition of “Employer Resources”: Employees may not use employer resources for political activities. Employer resources include office supplies, electronic equipment including e-mail, facsimile and photocopying machines, bulletin boards, and other public spaces.
- 2-3-2 Definition of “Political” Activities: Partisan “political” activities must be conducted independent of your role as an employee. The following guidelines are not exhaustive, but are intended to help in differentiating

between those activities that may be viewed as harmful to workplace functioning and those activities that generally fall outside the “political” activities subject to employer restrictions and intervention. Employees are expected to avoid the following political activities:

- a) Using working hours or employer resources to solicit money or signatures, or to make political contributions;
- b) Using non-working hours to solicit contributions, signatures or services from other employees who are on work time;
- c) Posting political materials in areas open to the public (generally, individual work stations that are not available to the public are exempt from this restriction);
- d) Using the employer’s mailing address as the return address for political solicitations;
- e) Providing employee mailing lists to any individual or organization for political solicitations if this information is not generally available to the public. (Note: the use and distribution of employer mailing lists to outside parties always requires prior authorization including an assessment of whether fees should be charged to cover production costs);
- f) Providing a forum for an individual candidate to promote his or her campaign without giving an equal opportunity to other candidates, for the same office, to participate in the forum;
- g) Political advocacy in the form of clothing items, armbands and buttons that cause a disruption in operations and/or violates the rights of others including the right to be free from discrimination, harassment and intimidation in the workplace.

2-4 EMPLOYEES COVERED. Unless excluded from coverage, in one of the categories listed and described below, all non-represented employees of the City of Merrill are covered under the policies of this Handbook, as are those employees covered by a collective bargaining agreement for those items not specifically covered by the collective bargaining agreement.

2-5 EXCLUSIONS. In addition to persons represented by collective bargaining units, persons in other employment or quasi-employment positions within the City organization may also

be excluded from one or more of the provisions of this Handbook. Persons in the following capacities are excluded from these provisions:

- 2-5-1 Members of the City of Merrill Common Council.
- 2-5-2 Elected City Officials.
- 2-5-3 Non-City employee members of committees, boards or commissions.
- 2-5-4 Independent contractors providing services with City facilities.
- 2-5-5 Volunteer workers.
- 2-5-6 Persons providing services on a per diem basis.
- 2-5-7 Work relief participants.
- 2-5-8 Employees of another unit of government.
- 2-5-9 Consultants.
- 2-5-10 Students engaged in field training.

2-6 EXCEPTIONS. The Mayor or Common Council may make exceptions to any of these policies (e.g. employment situations, or where specific Federal or other funding requirements must be met) when it is assured that granting such exceptions is not detrimental to the system or in conflict with Wisconsin Statutes or Federal laws or regulations.

INTRODUCTORY MATTERS

ORGANIZATION AND ADMINISTRATION

3-1 PURPOSE. This chapter sets forth the delineation of authority and responsibilities in the administration of the City of Merrill personnel system and program. Effective and efficient delivery of City services requires appropriate organization and assignment of responsibilities.

3-2 CITY ADMINISTRATOR. The Administrator is responsible for carrying out the directives and policies of the Mayor and Common Council, subject to statutory limits which may apply. The Administrator shall have clear authority to coordinate and administer the day-to-day operations of municipal government. The Administrator serves as the City's Chief Administrative Officer.

3-3 CITY OF MERRILL MAYOR. The Mayor is the Chief Executive of the City of Merrill. As Chief Executive, the Mayor exercises day to day responsibility for the operation of City Government. The Mayor is responsible to ensure that the ordinances and policies adopted by the Common Council are carried out by the Departments, officials and employees of the City of Merrill. The Mayor also serves as the chair of the Common Council.

3-4 CITY OF MERRILL COMMON COUNCIL. *The Common Council:*

- 3-4-1 Acts to approve the Departmental Organization as set forth in the adopted version of the Annual City Budget.
- 3-4-2 Authorizes the creation of any new classified positions.
- 3-4-3 Confirms Department Head appointments, promotions and terminations, except as otherwise provided for by Ordinance or State Statute.
- 3-4-4 Approves the compensation policy for non-represented employees and all labor agreements.
- 3-4-5 Reviews and approves City personnel policies, including amendment of this handbook. Any changes to this handbook may be done by resolution.
- 3-4-6 Delegates such duties and responsibilities as necessary.

OPERATIONS

POSITION AND ADMINISTRATION

4-1 PURPOSE. This chapter sets forth the policies governing the creation, abolition, classification, and funding of positions within the City organization and delineation of administrative responsibilities therein.

4-2 ORGANIZATION CHARTS. The City Administrator maintains Organization Charts listing the authorized positions and the functional relationship of positions with the City organizational structure. The City Administrator presents the Organization Charts for inclusion in the City Budget.

The Common Council may add/delete/modify positions at any time, but considers the recommendation of the affected Department Head prior to acting.

4-3 RESIDENCY.

- (a) Residency requirements apply to all law enforcement personnel, fire personnel and the Water Utility Operations Manager, hired after July 1, 2013. Such personnel shall reside within 15 miles of the jurisdictional boundaries of the City of Merrill no later than the end of their probationary period. Law enforcement and fire personnel residency shall be in conformity with the respective union contracts. Residency requirements are subject to WI Stats 66.0502.

4-4 PROBATIONARY PERIODS.

- (a) *Probationary Period Required.*

(1) All full-time and part-time employees are required to serve a six (6) month probationary period commencing on his/her date of employment or promotion, except that new Department Heads, (by transfer, promotion or newly hired) and law enforcement and fire personnel, shall serve a twelve (12) month probationary period. The employee shall have employment-at-will status during the probationary period.

These probationary periods may be extended up to an additional six (6) months by the Personnel and Finance Committee or the City Administrator by written notice to the employee.

- (b) *Reduction of Probationary Period.* At any time during the probationary period, the Personnel and Finance Committee or City Administrator may reduce the probationary period.

(c) ***Dismissal During Probationary Period.*** During the Probationary Period, the employee has the obligation to demonstrate proper attitudes and abilities for the position for which employed. The employee may be dismissed by the City Administrator without prior notice, hearing, or cause during the Probationary Period. The Personnel and Finance Committee shall be informed of any such dismissal

Note: Completion of the probationary period does not change the employees “at-will” employment status.

4-5 PHYSICAL EXAMINATIONS. New full-time and part-time employees are required to undergo a pre-employment physical and drug testing at City expense after the position is offered, but before the employee begins work, as a condition of employment.

4-6 BACKGROUND CHECK. A background check is conducted by the City of Merrill Police Department prior to employment for all new full-time and part-time employees as a condition of employment. The information resulting from the background check is reported to the City Administrator prior to hiring.

4-7 FULL-TIME. Persons, filling full-time positions, employed full-time forty (40) or more hours per week, as established by the Common Council action and defined in City ordinances. These persons receive full fringe benefits as specified in this manual. Benefits will be pro-rated for employees working 20 – 39 hour per week, as applicable.

4-8 PART-TIME. Persons employed less than full-time, in positions established by Common Council action. Those persons receive either pro-rata or no fringe benefits as specified in this manual, or as required by the State of Wisconsin

4-9 LIMITED TERM EMPLOYEES (LTE). A Limited Term Employee is defined as an employee occupying positions not established by Common Council action. Limited Term Employees are seasonal and temporary employees that have a clear start and end date.

Limited Term Employees are not eligible for any fringe benefits as specified in this manual unless required by federal or state law.

No such employee may be employed in violation of Section 11-4 (Nepotism) of this manual.

4-10 FILLING VACANCIES. The City Administrator is empowered to authorize or deny the filling of any budgeted position as they become vacant. The City Administrator shall notify the Personnel and Finance Committee of such action.

Upon occasion it is necessary that a City Department shall be in need of an employee to perform certain services for the City, not to exceed 1200 hours per year, and assuming there are sufficient

funds in the department's budget to pay for the same, no Common Council and Committee authorization shall be required.

The following process will be followed for hiring of persons to fill existing Authorized Positions and newly created positions:

4-10-1 ***Existing Authorized Position***

The first step in the process when a vacancy occurs in an existing Authorized Position is for the Department Head to report the vacancy to the City Administrator.

When the City Administrator determines that a vacancy exists, the City Administrator shall determine the need for filling the vacancy and act accordingly.

4-10-2 ***Newly Created Position/Hire***

The City Administrator shall bring a request for a new position/hire to a Committee of the Whole meeting for consideration. That Committee shall make a recommendation to the Common Council.

The authorization of the new position automatically includes authorization to recruit to fill the position.

4-11 POSITION DESCRIPTIONS. The City Administrator oversees the development and modification of position descriptions for all positions within the City organization. Department Heads may modify position descriptions or job titles subject to the approval of the City Administrator. The City Administrator maintains current position descriptions for all positions within the City organization.

4-12 ADDITIONAL HIRING INFORMATION. For additional information and hiring practices and procedures, please see Merrill Municipal Code #2-191 and Administrative Procedure Manual - Policies and Procedures, chapters entitled *Hiring* and *Hiring Police and Fire with Questionnaire*.

OPERATIONS

RECRUITMENT AND SELECTION

5-1 PURPOSE. This chapter sets forth the policy and practices of the City of Merrill governing the recruitment and selection of persons for placement in employment positions.

5-2 POLICY. It is the policy of the City of Merrill to recruit and select the most qualified persons for the positions in City services in accordance with the City's Equal Opportunity Policy. Recruitment and selection activities reflect the affirmative action goals of the City of Merrill. Promotional and internal transfer opportunities for existing personnel are actively encouraged.

5-3 RECRUITMENT. The City Administrator coordinates and supervises the recruitment of candidates for all City positions for which no immediate internal promotion or transfer is authorized. The City Administrator is notified of vacancies in City positions prior to filling the position. The recruitment program is designed to meet the current and projected personnel needs of the City, is tailored to each individual position to be filled, and is directed to sources likely to yield applicants. The City Administrator authorizes newspaper and other media advertisements. For a limited number of positions requiring a level of skill and experience not readily found locally, including, but not limited to Department Heads, use of statewide/national publications and professional journals may be authorized.

5-4 JOB VACANCIES AND INTERNAL NOTIFICATIONS. When the City Administrator determines that a vacancy or new position shall be filled, the City Administrator shall post a notice of such vacancy or new position, for a minimum of five (5) working days. The notice shall include the date the position is to be filled, title of position, requirements, rate of pay and benefits. The City Administrator retains the right to determine whether and when to recruit outside applicants.

5-5 APPLICATION. All applications for employment are made on forms meeting State and Federal requirements. Applicants may be required to provide proof and verify statements made on the employment application.

5-6 NOTICE OF REJECTION. Whenever an applicant has applied for a current vacancy or posted position, and is rejected, notice of the rejection will be mailed to the applicant.

5-7 INTERVIEW. Only the best qualified applicants are selected for interviews and final consideration. The City Administrator will develop procedures for conducting interviews with applicants for City positions.

5-8 INTERVIEW EXPENSE. Applicants who are called in to interview will normally do so at their expense. The City may elect to reimburse an applicant for all or part of reasonable expense incurred in conjunction with interviews including travel, meals, and overnight

accommodations. Payment for such expense must be approved in advance by the City Administrator and included in his monthly report to the Personnel and Finance Committee.

5-9 SELECTION DEVICES. The City Administrator is responsible for determining methods to be used to screen applicants for job vacancies, except to the extent reserved to other bodies of the City by ordinance or State Statute (e.g., the Police & Fire Commission). In developing the selection devices, the City Administrator confers with Department Heads and others familiar with the knowledge, skills and abilities required and devices to best measure these factors. Such methods or devices may include, but need not be limited to, one or more of the following:

- 5-9-1 Review of education, training, and experience as shown on the application and resume.
- 5-9-2 Practical written or oral tests, work samples or performance test if job related.
- 5-9-3 Physical tests of strength, stamina, or dexterity, and pre-employment health examination when job related.
- 5-9-4 Background and reference inquiries.
- 5-9-5 Personal interviews.
- 5-9-6 Drug and alcohol screening for new employment.
- 5-9-7 Pre-employment Physical after initial job offer.

5-10 CONFIDENTIALITY. All persons participating in the development and maintenance of selection materials must exercise every precaution to ensure the highest level of confidentiality and security.

5-11 NEW EMPLOYEE ORIENTATION. The orientation of a new employee is the final step in the hiring process. A well-organized orientation program enables new employees to be sure that they are getting all the facts firsthand, increases morale, and contributes to a more positive attitude toward the City.

The City has devised a formal Orientation Program for all new employees. It consists of two (2) phases:

- Phase I -- Payroll and Benefits Specialist
- Phase II -- Department Head

It is important that each phase of the two (2) phases of the Orientation Program be completed (see attached checklists). If you do not receive the proper forms, contact the City Administrator

at once to secure them. The orientation of new employees is very important and should be carried out conscientiously. Every effort should be made to make them feel comfortable and welcome. The checklists on the following pages, or versions as modified to match existing policies, are used by the Payroll and Benefits Specialist and the employee's Department Head. Please note that the attached forms are intended to provide a template of the issues to be covered in orientation. Actual orientation checklists may vary depending on specific departmental and/or personnel department practices and procedures.

PERSONNEL ORIENTATION CHECKLIST

(COMPLETED BY: PAYROLL AND BENEFITS SPECIALIST)

Employee Name _____

Department _____ Hire Date _____

The following items are to be discussed with the new employee upon his/her successful completion of physical exam and drug test.

	✓ = Done <u>Discussed</u>	✓ = Done Sign up <u>Employee</u>
1. W-4 Withholding Tax Form (Federal)	_____	_____
2. WT-4 Withholding Tax Form (State)	_____	_____
3. Form I-9 Employment Eligibility Verification **Copy of Passport or Drivers License & another form of ID	_____	_____
4. Direct Deposit of Payroll Check ** Savings, Checking, Loans as direct deductions – ACH	_____	_____
5. Emergency Contact Form	_____	_____
6. Life Insurance Application w/booklet ** Advise of Coverage for Spouse/Dependents ** Additional Employee Coverage	_____	_____
7. Retirement Form w/booklet ** Application for Variable Participation ** Additional Contributions Booklet ** Beneficiary Designation ** Benefit Information Request Form	_____ _____ _____ _____	_____
8. Notice of Change of Standard Sequence	_____	
9. Health Insurance Application w/booklet ** Creditable Coverage Notice **Health Benefit Exchange – ACA Notice	_____ _____ _____	_____
10. Children’s Health Insurance Program Notice(CHIPS)	_____	

	<u>✓ = Done Discussed</u>	<u>✓ = Done Sign up</u>
<u>Employee</u>		
11. Health Insurance Incentive Plan	_____	_____
12. HSA – Health Savings Account (with High-deductible Insurance)	_____	_____
13. Market Place Coverage Options	_____	_____
14. Wisconsin Deferred Compensation Program	_____	_____
15. VOYA 457(b) Deferred Compensation Program	_____	_____
16. Dental Insurance	_____	_____
17. Supplemental Insurance Options (1,200 hrs & over are eligible)		
Madison National (LTD)	_____	_____
AFLAC	_____	_____
Advantage Group Inc. (Assurity)	_____	_____
18. Employee Assistance Program	_____	_____
19. Personnel Policy Booklet	_____	_____
20. United Way Contribution	_____	_____
21. Post-Employment Health Plan – Police Union Officers & Fire Union (only)	_____	_____
22. Department Head/Supervisor Orientation Check List	_____	_____

QUESTIONS

I have been advised and I understand all information covered above. I have also been issued copies of the Personnel Policies and Insurance booklets, and General Safety Rules checklist.

Signature of Employee

Date

Signature of Personnel Representative

Date

Place Completed form in Employee's Permanent File.

DEPARTMENT ORIENTATION CHECKLIST

(COMPLETED BY: DEPARTMENT HEAD)

Employee Name _____

Department: _____

Department Supervisor: _____

Date: _____

This checklist is to insure that all necessary supplies, tools, information, and safety equipment have been given to your new employee.

Welcome new employee and put him/her at ease.

Discuss:

✓ = Done

- | | | |
|-----|--|-----|
| 1. | Hours of work | [] |
| 2. | Lunch/Break provisions - time and place | [] |
| 3. | Overtime policy | [] |
| 4. | Attendance – Proper Reporting | [] |
| 5. | Pay procedures: when, where, how | [] |
| 6. | Vacation/Holiday/Sick leave eligibility | [] |
| 7. | Bulletin boards & restrooms: where located | [] |
| 8. | Parking | [] |
| 9. | Telephone Call – Emergency or Other | [] |
| 10. | Department rules and regulations | [] |
| 11. | How to get tools and supplies | [] |
| 12. | City Safety Policy: | |
| | a. Review department safety rules and record | [] |
| | b. Inquire about employee's past safety record | [] |
| | c. Explain procedures to follow in case on-the-job injury occurs | [] |

OPERATIONS

COMPENSATION ADMINISTRATION

6-1 PURPOSE. This chapter sets forth the basis of authority and the delineation of responsibilities in the Compensation Plan.

6-2 COMPENSATION PLAN. The Compensation Plan covers all regular positions not covered by a collective bargaining agreement, professional services agreement, or grant agreement. The principal objectives of the plan are the following:

- 6-2-1 To provide for a competitive compensation structure and practice in order to enhance the recruitment and retention of a fully competent work force.
- 6-2-2 To provide for a high level of internal equity in compensation administration in order to foster the purpose of rewarding and encouraging job performance of a superior or exceptional quality.
- 6-2-3 To be sensitive to the local economy and budget.
- 6-2-4 To recognize the contributions of part-time employees who provide essential City services on a long-term basis often with the same professional qualifications and performance standards as full-time employees.

6-3 POLICY. The City of Merrill's Personnel and Finance Committee establishes the general policy governing the administration of the plan and through the Budget and Tax Levy Ordinance, or by resolution confirmed by the Common Council, and establishes the amount of pay increase (if any) employees receive.

6-4 ADMINISTRATION. The Personnel and Finance Committee establishes procedures governing the overall administration of the plan. The Committee determines the specific wage rates individual employees receive, consistent with the established procedures. The City Administrator and Finance Director oversee the day-to-day administration of the plan, implement compensation adjustments approved by the Common Council, and certify the compliance of any such adjustments with the established rules and procedures.

6-5 COMPENSATION RANGE ASSIGNMENT.

- 6-5-1 Compensation for each employee position shall be determined by the position's placement on the approved pay grid which consists of 21 Grades and 11 Steps. The hourly rates on the pay grid shall be adjusted upward by the appropriate percentage amount when an across-the-board pay increase is authorized in the budget and tax levy ordinance.

- 6-5-2 Newly created positions will be placed on the pay grid by completing a Job Description Questionnaire (JDQ), submitting the JDQ to the City Administrator who will review it and notify the Personnel and Finance Committee that the request for classification is being submitted. Once the human resources consultant has completed factoring the position their response will be submitted to the Personnel & Finance Committee and the position will be placed on the pay grid.
- 6-5-3 Positions that change substantially due to a reorganization or new and revised job duties and requirements shall be submitted to the human resources consultant for review utilizing the Classification Review Form. This appeal process may be initiated by the employee or their department head.

6-6 INITIAL COMPENSATION ASSIGNMENT. Upon hire or promotion, an employee is advised, in writing, as to their beginning compensation. The beginning compensation is within the compensation range established for the position and is normally the minimum rate in the range. A Department Head may request that a particular appointment be made above the entrance pay rate. Such requests must be made in writing and approved by the City Administrator.

6-7 COMPENSATION REVIEW AND ADJUSTMENTS. The Personnel and Finance Committee may authorize compensation adjustments to employees in accordance with the compensation schedule established in the Compensation Plan to relieve salary compression and compensate for job market conditions.

6-8 OTHER ADJUSTMENTS. The following personnel actions may require a compensation adjustment for an affected employee:

- 6-8-1 TRANSFER. When an employee is transferred from one department to another having the same assigned compensation grade, the compensation grade and step in effect for the employee prior to the transfer remains in effect.
- 6-8-2 PROMOTION. When an employee is promoted to a position having a higher assigned compensation grade, the employee is eligible for a compensation adjustment upon promotion. The terms, conditions, and amounts of any such adjustment are approved by the Personnel and Finance Committee. Such adjustment is usually to the closest step in the pay grade of the new position above the employee's compensation before the promotion, but in no case shall the increase be less than 5%.
- 6-8-3 DEMOTION. When an employee is demoted to a position having a lower

assigned compensation grade, the employee moves to the step in the new assigned compensation grade commensurate with the number of years of employment with the City, subject to review and adjustment by the supervising committee of the position.

6-8-4 TEMPORARY CLASSIFICATION. When a Supervisory Employee is absent from his/her position for a period exceeding 20 working days for medical or other reasons (excluding vacations), and if a department employee, as designated by the City Administrator, assumes those duties during that absence, that employee shall be paid at a rate equal to the step in the supervisory pay grade that provides for at least a 10% pay increase. Such additional compensation shall be retroactive to the first day of assumption of additional duties. This adjustment shall cease upon the return to work by the Supervisory Employee. Such temporary classifications will be reviewed by the Personnel and Finance Committee prior to payment.

6-9 LONGEVITY. After five years of continuous employment each non-union employee shall receive an annual longevity payment of \$2.50 for each month worked back to their date of employment, to be paid out annually.

Thus, for years 1-5 no longevity would be paid. Starting in year six, employees would begin receiving \$150 for the 60 months they have already worked and this would increase by \$2.50 for each subsequent month of employment.

6-10 GARNISHMENTS. Definition: A garnishment is a court order to an employer to withhold a sum of money from an employee's wages or compensation. A federal levy, which takes precedence over all other garnishments, can take 100 percent of all money due to an employee as of that date. It is quite common for the employee to be allowed to work out an arrangement for paying in installments. Child support orders take precedence over garnishments due to debts, judgments, or other attachment orders.

6-10-1 POLICY: The City conforms to applicable federal or state laws and regulations relating to garnishments.

6-10-2 PROCEDURE:

(a) All garnishments are handled by the Finance Director. An employee's Department Head is notified of any garnishment orders in order to promptly notify the affected employee.

(b) The Finance Director consults with the Mayor or City Attorney before action is taken.

(c) The Finance Director immediately notes the date when withholding is to begin and ensures that the garnishment begins by that date.

6-10-3

RESPONSIBILITY: The Finance Director and Department Heads implement the policy after consultation with the City Attorney.

OPERATIONS

SCHEDULED HOURS AND OVERTIME

7-1 PURPOSE. This chapter sets forth the policy and practice governing the establishment of work schedules, the scheduling of overtime, and forms of overtime compensation.

7-2 SCHEDULED HOURS. The normal scheduled hours for each non-represented full-time position is forty hours per week in accordance with City policy. Part-time employees work a normal schedule of hours averaging less than those established for full-time positions within the department.

7-2-1 Normal operating hours for City Hall and other City administrative offices is from 8:00 a.m. until 4:30 p.m. Offices in City Hall are generally open during these hours. Offices may be closed during lunch, with the exception of the Police and Fire Departments; and City Clerk/Treasurer and Transit Department.

7-2-2 Notwithstanding the foregoing, full-time employees may arrange an alternative schedule with the approval of their Department Head and City Administrator, provided that the schedule allows for forty hours of work per week and service to the public is not diminished.

7-2-3 **Library:** hours and work schedules for library staff members are established by the Library Board.

7-2-4 **Parks and Recreation Department:** hours will be 7:30 a.m. to 4:00 p.m. Monday through Friday. Arena Specialists position will work on an as needed basis with primary hours scheduled for evenings (i.e. after 3:30 p.m.) and weekends. An alternative four (4) day, ten (10) hour per day schedule may be established by the Parks and Recreation Director upon approval by the City Administrator.

7-2-5 **Street Department (including Garbage and Recycling):** the regular schedule hours shall be from 6:00 a.m. to 4:00 p.m. Monday through Thursday. An alternative five (5) day, eight (8) hour per day schedule may be established by the Public Works Director upon approval by the City Administrator.

7-2-6 **Utilities Department:** The scheduled hours shall be from 6:00 a.m. to 4:00 p.m. Monday through Thursday with the on call employee working Tuesday to Friday. The on call employee will be on call from 4:00 p.m. Friday to 6:00 a.m. Monday. Any changes in the scheduling will be approved by the

department head. An alternative five (5) day, eight (8) hour per day schedule may be established by the Public Works Director upon approval by the City Administrator.

There will be one person from the Water and Sewage Department on call from 4:00 p.m. Friday to 6:00 a.m. Monday. There will be assigned scheduled work on Saturday for the on call person. Once the assigned work is completed, the employee shall be given a cell phone for emergency calls, regular overtime and call time provisions would apply. In recognition of the employee's weekend call time service, the City will provide eight (8) hours off to be used during the following week.

7-2-7 **Wastewater Treatment Plant:** there will be a rotating schedule regarding the Water and Sewer Department work on weekends. For payroll purposes their work week will be, Friday at 12:00 midnight through Friday at 11:59 p.m. work week, with scheduling set up by the Department Head.

7-3 LUNCH PERIODS. A non-paid one-half hour lunch period is normally provided midway through an employee's shift. A different time for lunch break is permitted provided that it is approved by the employee's Department Head, service to citizens is not harmed, and the employee's schedule is such to accommodate a 40-hour work week. This section does not apply to police and fire personnel who are required to remain on duty and respond to calls during any lunch break.

7-4 OVERTIME/COMPENSATORY TIME. Each position is designated as either "Non-Exempt" or "Exempt" from the Federal Fair Labor Standards Act (FLSA) and State wage and hour laws. Employees in "non-exempt" jobs are paid on an hourly basis and are entitled to overtime pay for hours worked in excess of 40 hours per week. Employees in "exempt" positions are generally paid on a salary basis and are excluded from specific provisions of federal and state wage and hour laws and are not eligible for overtime pay. Employees should contact their supervisor if they are unsure of their position's designation.

Any paid leave time shall be counted as hours worked for overtime purposes.

All overtime must be approved in advance by management.

All City employees, unless exempt, are paid at time and one-half the regular rate of pay for all time worked in excess of their regular work week. For purposes of this manual, a work week begins at 12:01 a.m. on Monday and runs through 11:59 p.m. the following Sunday, except Wastewater Treatment Plant employees.

City employees, upon the approval and in the discretion of their Department Head, may receive overtime pay in the form of compensatory time at the rate of time and one-half. Compensatory time may be accumulated up to a maximum of 80 hours current balance and a maximum of 40 hours

annually may be paid out in December, if requested by the employee, to their Department Head, prior to October 15th. In addition, a maximum of 24 hours of compensatory time may be carried over into the following calendar year. Any carryover balance will be used or paid out in the following year.

7-5 NON UNION/NON-EXEMPT PERSONNEL – CALL-TIME AND SHIFT DIFERENTIAL. The following provisions apply to non-union personnel except police personnel covered by Section 23-20.

- 7-5-1 Any non-exempt employee called in to work outside of their normally scheduled hours, with less than 48 hours advance notice, shall receive a minimum of two (2) hours of call time (at regular rate of pay) regardless of time worked. This shall not apply to unpaid lunch time.
- 7-5-2 Any full-time non-exempt employee working outside their normally scheduled hours, shall receive forty cents (0.40) per hour as shift differential pay. This shift differential pay shall also be included when calculating overtime pay.

7-6 POLICE SUPERVISORY PERSONNEL. Police Supervisory Personnel, not covered by the collective bargaining agreement, have the following work hours:

- 7-6-1 ***Police Supervisory Personnel.*** The following rules apply to non-union police supervisory personnel except for the Police Chief, Captain, and Investigative Lieutenant.
 - (a) Except for changes necessitated by training and departmental manpower needs, the normal work day consists of a twelve hour shift. The normal work schedule shall be 2 days on duty, followed by 2 days off duty followed by 3 days on duty, followed by 2 days off duty, followed by 2 days on duty followed by 3 days off duty on a continuing 2-2, 3-2, 2-3 schedule. In the event that this schedule differs from the schedule under the contract between the City and the Merrill Professional Police Association (the Union Schedule), it shall be adjusted to match the Union Schedule.
 - (b) The schedule shall provide an additional 12 hours off per month and 48 additional hours per year, when circumstances permit, as determined and administered by the Chief of Police. Non-union supervisory personnel receive an additional 16 hours off per year. After eighteen (18) years of service, all non-union supervisory personnel receive an additional 8 hours each year in addition to the above described days off.

7-6-2 ***Fire Department Supervisory Personnel.*** Fire Department supervisory personnel (Battalion Chief) not covered by the collective bargaining agreement work 48 hours on and 96 hours off, except the Battalion Chief of Administration, who works a 40 hour week.

- (a) All Fire Department employees not covered by union contract are entitled to one (1) Kelly Day per year. Employees must have at least one (1) full year of service to be eligible for a Kelly Day. In addition, an employee with eighteen (18) years of service receives one (1) additional Kelly Day.

7-7 **DEPARTMENT HEADS.** Department Heads and other exempt employees, as executive or professional staff, work such hours and times as necessary to complete their duties. Full time Department Heads and other exempt employees shall work a minimum of 40 hours per week consistent with sec. 7-2. Paid leave shall be used when working less than 40 hours per week.

7-8 **ON-THE JOB INJURY PAY.** Employees injured on the job requiring treatment at a medical facility will be paid for the remainder of that work day, they will not receive overtime pay or compensatory time for time spent being treated beyond their regular work day.

OPERATIONS

EMPLOYMENT CONVERSION TO PART-TIME STATUS CONTINUANCE, LAYOFF, RECALL FROM LAYOFF

8-1 PURPOSE. The purpose of this chapter is setting forth the policies and practices regarding employment conversion to part-time, continuance, layoff, and the recall of laid off employees.

8-2 CONVERSION TO PART-TIME STATUS. Employees in full-time positions, who convert to part-time status, retain sick leave and vacation benefits previously earned, per the fringe benefit policy for part-time employees.

8-3 LAYOFF. The Employer retains the right to lay off employees, in whole or in part, and to retain those employees who are most qualified to perform the available work, regardless of their previous length of employment.

In the event of lack of work or lack of funds, employees may be laid off based upon the nature of the duties to be consolidated or eliminated, funding levels and the past performance of the individual employees involved. Under certain circumstances, as determined by each Department Head, work week reductions may be imposed in lieu of layoff. Part-time and other Limited-Term Employees in the same classification are laid off before any regular, full-time employee.

The rehiring of employees that have been laid off shall be determined by the Employer based on the need for the most qualified person to perform the available work.

8-3-1 Employees laid off are eligible for continuation of their participation in the Group Health Insurance Programs in accordance with State and Federal laws, provided that they submit a written request, and pay the full premium to the Finance Director starting the first month following the month in which the layoff occurs. Employee premium payments must be made on a monthly basis. Failure to pay premium within thirty (30) calendar days will result in group health insurance program cancellation.

8-3-2 Laid off employees may not accrue sick leave or vacation credits during any time of layoff, but retain all past sick leave accumulations for possible use following recall from layoff, and retain seniority for vacation calculation purposes following recall.

8-3-3 Laid off employees may continue their participation in other insurance programs at their expense for up to eighteen (18) months following the first day of the month following the date of layoff, in accordance with the terms established under the various insurance programs.

- 8-3-4 Laid off employees may continue on the payroll beyond the date of layoff until all earned and accrued vacation and floating holidays benefits are exhausted.
- 8-3-5 Laid off employees may be given preferential treatment in recall and/or placement in other appropriate vacancies based upon their demonstrated abilities and past performance.
- 8-3-6 Laid off employees who have not been recalled to their former positions or placed in another appropriate position within six (6) months from their date of layoff, are considered terminated from City employment.
- 8-3-7 It is the responsibility of laid off employees to notify the City Administrator as to their current address and telephone number so that recall may be effectively handled. Any employee failing to do so may be considered to have forfeited his/her recall or other placement rights.
- 8-3-8 Persons assigned to reduced work weeks in lieu of layoff have their salaries and benefits eligibility administered on a prorated basis effective from the date of work week reduction.

8-4 RECALL FROM LAYOFF. Any employee recalled from layoff shall report for work as soon as possible following the date of recall notice but no later than seven (7) calendar days therefrom. An employee who fails to report for work within the recall period shall be considered to have voluntarily terminated his/her employment. Exceptions to the work return requirement may be made at the discretion of the City Administrator for medical or other compelling circumstances. In the event that other appropriate employment is offered by the City to a laid off employee, the employee is obligated to accept such employment in order to retain his/her employment status with the City. Refusal of such employment shall be considered to constitute a voluntary termination of employment.

OPERATIONS

EMPLOYMENT TERMINATION

9-1 PURPOSE. The purpose of this chapter is that of setting forth policies governing employment termination of all types.

9-2 NOTIFICATION. Employees planning to voluntarily terminate their employment with the City of Merrill are requested to notify their Department Head as far in advance as possible, but not less than two (2) weeks prior to their last day on the job. Department Heads, and others holding similar positions, are requested to provide an advance notice of three (3) months.

9-2-1 Once a resignation has been submitted, it cannot be withdrawn except upon mutual agreement by the employee and the Department Head.

9-2-2 A two (2) week notice is required to receive payout of any accrued vacation, personal day(s), or Kelly Days as per section 12-2-10, 12-5-2(a), of the Personnel Policies – Employee Handbook.

9-2-3 Persons dismissed or involuntarily terminated from employment do not receive advance notice of termination. (No benefits will be paid out)

9-2-4 Terminated employees must turn in all keys and other City properties in their possession immediately to their supervisor or other designated personnel as directed.

9-3 RETIREMENT. For the purpose of establishing eligibility for annuity payment under the Wisconsin Retirement System and/or Social Security, persons retiring are eligible for a payment of all earned and accrued benefits, such as vacation, personal holidays, compensatory time, Kelly Days and sick leave, which shall be pro-rated to the date of retirement. Vacation, personal holidays and Sick leave payouts shall be calculated as per section 12-2-10, 12-5-2(a), and 12-3-9 of the Personnel Policies – Employee Handbook.

9-4 RESIGNATION. After a minimum of one (1) year of continuous employment, employees voluntarily terminating their employment for purposes other than retirement and who provide proper notice in accordance with the notice provisions of this article are eligible for a payout of all vacation, personal holidays, compensatory time, Kelly Days, accumulated up to the employee's last day on the job, subject to section 12-2-10 and 12-5-2(a) of the Personnel Policies – Employee Handbook. No other benefits are paid out.

9-5 DISMISSAL. Persons involuntarily terminated (dismissed) from City employment for cause are ineligible for any form of termination pay other than payment for regular time worked.

9-6 HEALTH INSURANCE CONTINUATION. Persons terminating their

employment for any reason are eligible to continue their participation in the City's group health insurance program in accordance with State and Federal laws.

OPERATIONS

RECORDS MANAGEMENT

10-1 PURPOSE. Written personnel records are essential to the establishment of formal data regarding the employment history of all personnel. In addition, for the purpose of meeting a variety of legal requirements, the establishment and maintenance of records relative to all personnel department activities is essential. This chapter sets forth the basic personnel record keeping requirements and identifies procedures governing accessibility to such records.

10-2 INDIVIDUAL PERSONNEL FILES. An individual personnel file is maintained for each person employed by the City of Merrill in compliance with Wisconsin State Law.

10-2-1 The active files consist of the individual files of all persons currently on the City payroll. The inactive files consist of the individual files of all persons formerly employed by the City.

10-2-2 Individual records relative to employee discipline, complaints, physical fitness, occupational injury, and job performance should be maintained for each employee. Any such records, including individual files, should be considered confidential to the extent permitted by the Wisconsin Open Records Law and should be provided only to the employee or his/her authorized representative, the City Administrator, the individual's Department Head and immediate supervisors and authorized federal and state representatives who have reason to review such official records for official reasons.

10-3 PUBLIC INSPECTION. Public inspection of personnel records is permitted in accordance with State law. The requesting party is assessed a reasonable fee for the cost of reproducing the requested documents.

CONFLICT OF INTEREST

11-1 PURPOSE. Democratic government requires that employees be independent, impartial and responsible to the people they serve. It is important that the public have confidence in the integrity of its government. The policies outlined in this chapter are intended to be in addition to, supplement and elaborate on, the requirements of the City's Ethics Code.

11-2 CONFLICT OF INTEREST. No City employee may use his/her office or position for personal financial gain or the financial gain of his/her family. No employee may engage in his/her own business activity, accept private employment or render services for private interests which such employment, business activity or service is incompatible with the proper discharge of his/her official duties or would impair his/her independence of judgment or action in the performance of his/her official duties. No employee may use or disclose "privileged information" gained in the course of or by reason of his/her official position or activities.

11-3 POLITICAL ACTIVITY. No employee is precluded from engaging in political activity provided that such activity does not interfere with normal work performance and is not conducted during normal working hours and does not involve the use of City equipment or property.

11-3-1 Any City employee declaring their intention to seek a political office is expected to take an administrative leave of absence and/or use accumulated vacation if the time and effort required to conduct an election campaign is likely to affect the performance of their duties as a City employee. In any case, City employees seeking either partisan or non-partisan political office may not engage in any kind of political activity while on City property or while engaged in work as a City employee.

11-3-2 A City employee elected to a full-time partisan or non-partisan political office, except Mayor, Alderperson, and Clerk, is expected to either terminate their employment with the City or request an administrative leave of absence, not to exceed two (2) years. If serving in the office is expected to benefit the employee's performance upon their return from leave, Department Heads may recommend a leave of absence for Council approval. Furthermore, it is inconsistent to hold the office of Mayor or Alderperson and any other City employment position. Upon election to the office of Mayor or Alderperson, any person presently holding a position as a City employee must resign that position.

11-3-3 A City employee elected to a part-time political office may continue their employment with the City, but are expected not to conduct business related to their elective position while on City property or engaged in work as a City employee.

11-4 NEPOTISM. Members of immediate families may not be employed in a direct superior-subordinate relationship. When applicants who are relatives of the selecting official, are reached for appointment in the conventional manner, the selection should be deferred to the next higher administrative level. This policy is not for the purpose of depriving any citizen of an equal opportunity to City employment. It is solely to eliminate the possibility of preferential treatment in favor of relatives or to subject the employing authority to possible criticism. Nothing in this policy affects persons so employed prior to the effective date of this policy. City of Merrill Municipal Code Section 2-191.

PAID LEAVES

VACATIONS AND PAID LEAVES

12-1 ELIGIBILITY. Full-time employees are eligible for full leave benefits. Part-time employees, working twenty (20) or more hours per week (excluding LTE) are eligible for pro-rated leave benefits.

12-2 VACATION. The City accrues vacation on a monthly basis based upon their employment date or the date they become eligible to receive leave benefits (working twenty [20] or more hours per week).

The City believes that adequate time must be provided to employees annually for rest and relaxation. For this reason, all employees are encouraged to take their full allotment of vacation days each year.

The City encourages all employees to use their accrued vacation yearly. The City understands due to the accrual posting, a negative balance may occasionally appear on the employee records. This negative balance should never be greater than 40 hours at any time full-time employees. Part-time employees should never have a negative balance greater than the pro-rated percentage of 40 hours. For questions on acceptable negative balances, contact the Payroll/Benefits/HR Specialist.

Additional vacation time is not generally granted if the employee is sick during the vacation period. If, however, the employee becomes seriously ill and requires hospitalization, the Department Head or the City Administrator, may consider this as sick time and not vacation time.

12-2-1 Non-union personnel including Police and Fire Support Positions (full time employees working 2,080 hours annually and part-time employees working a pro-rated day).

The following vacation schedule applies to all non-union City personnel (except for police and fire non-union personnel working other than a standard 40 hour per week schedule). A work week is defined as five working days.

Accrued during 1st year of continuous service: 40 hours + 40 hours credit to vacation bank at time of hire.

Accrued during 2nd year of continuous service: 80 hours

Accrued during 5th year of continuous service: 120 hours

Accrued during 10th year of continuous service: 160 hours

Accrued during 15th year of continuous service: 208 hours

12-2-3

Non-union fire personnel.

The Fire Chief reserves the right to determine the number of personnel on vacation at any one time in order to ensure maximum protection and safety of the City.

Fire Chief, Battalion Chief of Administration, Administrative Assistant, Fire Inspector

Accrued during 1st year of continuous service: 40 hours + 40 hours credit to vacation bank at time of hire.

Accrued during 2nd year of continuous service: 80 hours

Accrued during 5th year of continuous service: 120 hours

Accrued during 10th year of continuous service: 160 hours

Accrued during 15th year of continuous service: 208 hours

Battalion Chiefs and Union Firefighters/Paramedics, Firefighter/EMTs

Accrued during 1 year of continuous service: 72 Hours

Accrued during 2 years of continuous service: 120 Hours

Accrued during 7 years of continuous service: 192 Hours

Accrued during 12 years of continuous service: 240 Hours

Accrued during 18 years of continuous service: 312 Hours

12-2-4

When a holiday falls during an employee's vacation, it does not count against his/her vacation leave time. This subsection does not apply to non-union police and fire personnel eligible for holiday pay.

12-2-5

In the event an employee is on authorized sick leave and has insufficient sick leave credits to cover the period of his/her absence, earned vacation time may be used for this purpose if the employee so elects.

12-2-6

An employee who moves from one position to another in the City service, is credited with his/her accumulated vacation leave in his/her new position.

12-2-7

Vacation credits are not earned by an employee during their leave of absence without pay, a suspension without pay, or when an employee is otherwise in a non-compensable status, should such period without pay exceed ten (10) working days in any calendar year.

12-2-8

Use of vacation time must be approved in advance by the Department Head in accordance with Department policy.

12-2-9

Vacation Carry Over Limits

Employees may carry over a maximum of 120 hours annually. Employees in the Police Department and Fire Departments work 42 hour and 56 hour work weeks respectively, resulting in a different carry over amount for those departments. Maximum carry over in the Police Department is 144 hours annually (excluding the Police Chief, Police Captain, Non-Union Detective Lieutenant, and the Administrative Assistants). Maximum carry over in the Fire Department is 168 hours annually (excluding the Fire Chief and Administrative Assistant).

12-2-10

Vacation payout upon retirement or separation will be as follows:

120 hours maximum for Non-union personnel including Police and Fire Support Positions and Administrative, Professional Supervisory and Technical Personnel.

144 hours maximum for Police Department Employees (Excluding the Police Chief, Non-Union Investigators and Administrative Assistants).

168 hours maximum for Fire Department Employees (Excluding the Fire Chief, Battalion Chief of Administration and Administrative Assistant).

12-3 SICK LEAVE. Sick leave for all employees is accumulated at a rate of 8 hours per month of continuous service (prorated for part-time employees except LTE employees). Upon termination of an employee, any accumulated sick leave is forfeited and not paid, except for retirement or employee death as provided below:

12-3-1

Sick leave is intended for the use of employees in the event of personal illness, bodily injury, exposure to a contagious disease, or in the event of an unexpected serious illness or accident involving a member of the employee's immediate family. Sick leave bank shall not be permitted to have a negative balance at any time.

Immediate family is defined as spouse, child/step-child, spouses of children/step-children, parent, brother, sister, mother-in-law, father-in-law, or any person who is residing with the employee.

Unpaid leave must be granted per Family Medical Leave Act (FMLA) eligible purposes.

Sick leave can be used for doctor or dental appointments which cannot be scheduled during an employee's regular time off.

- 12-3-2 Newly hired employees are eligible to use any sick leave upon accrual.
- 12-3-3 A Department Head may require an employee to submit a medical statement, stating the specific illness, period of treatment, and date that the employee may return to work from sick leave when it occurs before or after a holiday or other scheduled days off, for sick leave in excess of three (3) days, or when an employee has a record of repetitious usage of short amounts of sick leave over an extended period of time. The Department Head may require an employee to take a medical examination upon returning from sick leave or on such occasions that it is in the best interest of the City. The medical examination is paid for by the City.
- 12-3-4 A Family Medical Leave Act (FMLA) leave request form must be completed by the employee at the request of the employer for FMLA qualifying absences. The employer determines if the leave qualifies as a FMLA qualifying absence. Traditionally, FMLA leave commences upon the fourth consecutive sick leave day taken. However, FMLA leave may also appear in other forms including intermittent extended leave.
- 12-3-5 Employees who are going to be absent from duty for reasons which entitle them to sick leave must notify their Department Head or supervisor one hour before the start of scheduled work hours when possible.
- 12-3-6 The Department Head may investigate the alleged illness of an employee absent from work on sick leave. False or fraudulent use of sick leave may result in disciplinary action against the employee, up to and including dismissal.
- 12-3-7 Sick leave may be used in no less than one quarter hour units.
- 12-3-8 An employee who moves from one department to another by transfer, promotion, or demotion may have his/her total sick leave credits transferred to the new department.
- 12-3-9 Sick leave accumulation upon retirement is set at a maximum of the employee's total accumulated sick leave hours or 1,300 hours, whichever is less. Accumulated sick leave may be converted to a sick leave cash equivalent based on the employee's hourly rate at the time of retirement. The sick leave cash equivalent may be used to purchase health insurance coverage under the City's health insurance plan or as a cash payout.
- 12-3-10 Sick leave accumulation upon employee death before retirement is set at a maximum of the employee's total accumulated sick leave hours or 1,300 hours, whichever is less. Accumulated sick leave may be converted to a sick

leave cash equivalent based on the employee's hourly rate at the time of death. The sick leave cash equivalent may only be paid as a cash payout to the estate of the deceased employee.

12-3-11 For purposes of this section, "retire" is defined as drawing a monthly pension or a lump sum payment check from the Wisconsin Retirement System (WRS). (Said payments do not include any separation benefits). Employees who retire for medical/disability reasons or when the WRS allows for early window period retirements shall not be subject to this restriction.

12-3-12 Upon retirement, employees eligible for a pension under the Wisconsin Retirement System may remain a member of the City's Group Health Insurance until the employee is eligible for Medicare. Said employee is responsible for the entire premium as deducted from the total amount due the employee from the funds available from the converted sick leave accumulation.

In the event that the retired employee exhausts the converted sick leave benefit, the retired employee shall pay any future premiums one (1) month in advance, by the 10th of each month.

In the event the retired employee dies, the surviving spouse may elect to continue such insurance coverage under COBRA. That coverage shall continue to be paid for until the accumulated sick leave is exhausted. In the event that the surviving spouse exhausts the converted sick leave benefit, the surviving spouse shall pay any future premiums one (1) month in advance, by the 10th of each month.

12-3-13 Employees eligible for a cash payout must make an irrevocable election prior to retiring to accept either extended health insurance coverage or the cash payout. The sick leave cash equivalent is taxed in accordance with State and Federal law, as applicable. In the event that the retired employee leaves the City's health plan before exhausting the sick leave cash equivalent, or chooses not to remain a part of the City's health care plan after retirement, any amount in the retired employee's sick leave cash equivalent is forfeited to the City.

12-4 BEREAVEMENT LEAVE. Bereavement leave is granted to all full-time and part-time employees in accordance with the following provisions.

12-4-1 **Immediate Family**. In the event of a death in an employee's immediate family, an employee may be excused from work for up to three (3) working days without loss of pay to attend the funeral and to attend to matters of the

estate.

- (a) Immediate family is defined as spouse, child/step-child, spouses of children/step-children, parent, step-parent, grandchildren, grandparents, and great-grandparents, brother, sister, mother-in-law, father-in-law, or any person who has resided with the employee immediately preceding the person's death.

12-4-2 **Extended Family.** In the event of the death in the extended family of an employee, the employee may request bereavement leave from the Department Head, or if the employee is a Department Head, the City Administrator, and upon such request be granted funeral leave of up to one working day for attending the funeral.

- (a) Extended family includes the aunt, uncle, niece, nephew, brother-in-law, and sister-in-law.

12-4-3 **Attendance other than Family.** Employees wishing to attend the funeral of other than a family member not listed above must use earned leave other than sick leave.

12-5 PAID HOLIDAYS; PERSONAL DAYS. (LTE'S not eligible) Employees except sworn police and fire non-union personnel, receive paid time off for recognized holidays which occur after their first full day on the job. No employee is eligible for holiday pay for a holiday which occurs after his/her last day on the job. Sworn police and fire non-union personnel are governed by the terms of Section 12-6 below.

12-5-1 The following holidays are granted to full-time employees at eight hours wages, and to regular part-time employees, on a pro rata basis:

New Year's Day
Friday before Easter Sunday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
The Day after Thanksgiving
Christmas Eve
Christmas Day

In addition, Easter Sunday shall be considered a holiday for purposes of overtime compensation (i.e. non-union sworn police and fire employees whom work shall be paid double-time for hours worked).

12-5-2 In addition to the above holidays, each full-time employee receives Sixteen (16) additional personal hours off during the year. Part-time employees receive personal days off on a pro rata basis. Full-time employees receive an additional 2 personal hours (18 hours total) for each holiday, part-time employees receive this on a pro-rated basis. Employees working 10-hour days may utilize this additional personal leave to supplement the hours paid for each holiday.

(a) Up to 24 hours may be carried over or paid out upon retire or separation with proper notice.

12-5-3 Each employee qualifies for holiday pay, if that employee has reported for work on the last scheduled workday before, and the first scheduled workday after the holiday. This provision is waived if the employee is on authorized vacation, personal holiday, compensatory time, Kelly Day, or sick leave.

12-5-4 If a paid holiday falls on a Saturday, it is observed on the Friday before. If a holiday falls on a Sunday, it is observed on the Monday following the holiday.

For Wastewater Treatment Plant Operators: If the City holiday falls on a scheduled off-day, the employee shall have the last regularly scheduled workday prior to the City holiday as paid day off.

12-5-5 Double time - Non-Union Employees/LTE. Non-Union employees, including LTE's, required to work on a holiday as listed in Section 12-5-1 are paid double time their normal rate of pay. Double time is not paid if an employee works on an observed holiday. Example: If Christmas Eve falls on a Saturday and the holiday is observed on Friday the 23rd, the employee is not paid double-time if they work on the 23rd. Double time would be paid for any time worked on the actual holiday. This does not include police and fire management whom receive holiday pay under Section 12-6.

12-6 HOLIDAY COMPENSATION – NON-UNION POLICE AND FIRE PERSONNEL. Holiday pay compensation for police and fire employees not covered by a collective bargaining agreement is as follows:

12-6-1 Police personnel: All sworn police personnel receive holiday pay on the same basis as provided for under the union contract with the Merrill Professional Police Association.

12-6-2 Firefighters: All sworn fire department personnel receive holiday pay on the

same basis as provided for under the union contract with the Merrill Firefighters, International Association of Professional Firefighters Local 847.

12-7 DISABILITY LEAVE. Disability is defined as a temporary physical or mental impairment impacting the employee's ability to fully perform their duties. An employee who becomes disabled must notify his/her supervisor at the earliest date possible. Such notification must be completed by the employee's physician and must include any temporary physical limitations placed upon the employee relative to the performance of his/her job. Follow-up reports may be required from time to time by the City. When an employee is able to return to work from disability leave a release to work statement must be received by the City from a physician.

12-8 FAMILY AND MEDICAL LEAVE ACT. Sick leave and disability leave as provided for under this manual is administered by the City in compliance with the Federal and State Family and Medical Leave Acts.

(See UNPAID LEAVE section for additional information and forms.)

12-9 JURY DUTY. Employees covered by this chapter who serve on a jury or are subpoenaed to appear as a witness before a court or administrative tribunal are paid the difference between the jury or witness duty fees and their regular earnings up to a maximum of ten (10) work days per calendar year, if scheduled to work, provided that the employee remits all compensation received for such duty (exclusive of travel pay or actual expenses) within three (3) days of receipt thereof. Employees when released from jury or witness duties must immediately return to their job and complete the scheduled work day. Employees are not entitled to overtime or shift differential under this provision.

12-10 MILITARY SERVICE PROVISIONS.

- 12-10-1 While on active military duty or training of six (6) months or less, the Employer shall make up the difference between the military compensation received and the employee's current salary.
- 12-10-2 In addition to the above, employees requesting an unpaid leave of absence for military service are covered consistent with Federal law.

12-11 VACATION DONATION POLICY.

The donation of vacation time by employees to other employees who are off work for periods of time due to serious illness or injury of a family member (as defined in the Federal Family and Medical

Leave Act (FMLA) is authorized under the following conditions:

- 12-11-1 The employee receiving the donated vacation time would have exhausted all of their accrued vacation benefits, personal days, compensatory time and sick leave time.
- 12-11-2 The employee donating vacation time would sign a Waiver relinquishing all rights and claims to donated vacation. This form can be obtained at the Clerk-Treasurer office. Participation is done on a strictly voluntary basis.
- 12-11-3 During the use of donated vacation time, other benefits would continue to accrue to the employee (i.e. sick leave, vacation, health and dental insurance benefits, etc.).
- 12-11-4 There is no maximum donation amount, employees may donate as many days as they have available in their vacation bank.
- 12-11-5 This policy shall be administered by the City Administrator.

VACATION DONATION WAIVER FORM

I, (*donating employee*) _____ hereby donate _____
hours of vacation time to (*receiving employee*) _____
in the Department of _____

I relinquish all rights and claims to this donated time.

I authorize these hours to be deducted from my eligible vacation balance and used to increase the
sick leave balance of:

_____ (*employee receiving donation*).

Signed _____ Date: _____

Please return this completed form to the City Administrator.

_____ Date: _____
Approved by City Administrator

UNPAID LEAVES

LEAVES OF ABSENCE

13-1 PURPOSE AND POLICY. The City of Merrill considers and may permit unpaid leaves of absence of defined duration when required by law. Such leave is considered a privilege granted by the City, not a right of the employee.

13-2 MILITARY LEAVE OF ABSENCE. City of Merrill promotes the defense of the United States by adhering to applicable state and federal laws pertaining to the granting of leave to employees for service in the United States Armed Forces. Military service is defined as active duty, initial active duty for training purposes and/or active and inactive military training duty. Requests for military leave should be submitted in writing accompanied by your order to report to active duty, to your Department Head who will review it with the City Administrator and or designee.

13-3 OTHER PERSONAL LEAVES. Occasionally, it may be necessary to be absent from work for an extended period of time to meet other personal obligations. To qualify for a personal leave of absence, an employee must have completed at least one (1) year of service prior to the start of the leave. The following guidelines will help you to understand your rights and obligations if you need to take a personal leave of absence.

- 13-3-1 Time off may be granted up to eight (8) weeks in length. The Personnel and Finance Committee will evaluate requests on a case-by-case basis.
- 13-3-2 Employees shall exhaust all paid time available to them (vacation, sick, etc.). Unpaid leave status will begin the day immediately after the expiration of paid time or FMLA, whichever is longer.
- 13-3-3 Employees on unpaid personal leaves of absence do not earn paid time off benefits (vacation, sick days, etc.). Holiday pay and other paid time off such as jury duty, funeral leave, etc. are not paid during an unpaid leave of absence.
- 13-3-4 Health insurance will continue only through the month in which the leave begins. Employees may continue with health insurance coverage by paying City of Merrill the full amount of the monthly premiums for months with unpaid leave.
- 13-3-5 If an employee does not return to work at the end of an unpaid leave of absence, and other, prior, acceptable arrangements have not been made, the employee will be considered to have voluntarily resigned.

The effective date of termination will be the last day for which City of Merrill paid the employee.

13-3-6 Leaves are not to be used for other employment or purposes other than the reason given at the time the leave was granted.

13-3-7 City of Merrill will attempt to keep the position open until you return from unpaid leave status, however, if business conditions warrant, the position may be filled on either a permanent or temporary basis at City of Merrill's discretion.

13-4 FAMILY MEDICAL LEAVE. City of Merrill will abide by the State and Federal regulations that apply to when and how Family and Medical Leaves (FMLA) are granted. FMLA Request Forms must be completed and filed with the Payroll and Benefits Specialist upon commencement of FMLA Leave.

13-4-1 Form - Employee Request for Family/Medical Leave Form

13-4-2 Form - Employee Notice of Eligibility, Rights and Responsibilities Form

13-4-3 Appendix A - Family and Medical Leave Policy

**EMPLOYEE REQUEST FOR FAMILY/MEDICAL LEAVE
WISCONSIN BASED EMPLOYEES
PLEASE PRINT**

Employee Name: _____

Department/Position: _____

Date Leave Request Submitted: _____

I am requesting family/medical leave pursuant to the federal Family and Medical Leave Act of 1993 and state law. The purpose of the leave is:

The birth of a child, adoption, or the placement of a child for adoption or foster care.
Expected date of event: _____

Employee medical leave as a result of a serious health condition which has rendered me unable to perform my job functions. State condition: _____

A serious health condition affecting my spouse; child; parent; parent-in-law (maximum of 2 weeks in a 12-month period); or domestic partner or parent of domestic partner (maximum of 2 weeks in calendar year) for which I am needed to provide care. State medical condition and care required: _____

To provide care for a recovering covered service member or covered veteran who is my: spouse; child; parent; next of kin; and who suffered a covered injury or illness. State medical condition and care required _____

As a result of a "qualifying exigency" of a service member who is my: spouse; child; parent; and is called to covered active duty or has been notified of an impending call or order to covered active duty status in the Regular Armed Forces, National Guard or Reserves in support of a contingency operation. Covered active duty requires deployment to a foreign country. State nature of qualifying exigency: _____

I would like to commence my leave on _____ and expect the leave to continue through _____. While I am on leave, I would like to use the following paid time off provided by the Company that I have accrued (e.g., vacation): _____

I understand that each time I need FMLA leave that I should advise my Department Head as soon as possible of the need for that specific type of leave. I understand that intentionally falsifying this FMLA leave request can result in discipline up to and including discharge.

Other Comments With Regard to Leave: _____

Approved Denied

Employee's Signature

By: _____
(Signature/Title)

Date: _____

Date: _____

**EMPLOYEE NOTICE OF ELIGIBILITY AND RIGHTS AND RESPONSIBILITIES
UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993
and WISCONSIN STATE LAW**

TO: _____
(Employee's Name)

Department/Position: _____

FROM: _____
(Name of Employer Representative)

SUBJECT: Request for Family/Medical Leave Under Federal Family and Medical Leave Act of 1993

On _____, you notified us of your need to take Family/Medical leave. You have a right under the federal Family and Medical Leave Act (FMLA) of 1993 to take up to twelve (12) weeks in a calendar year and, with military FMLA leave to care for certain injured or ill service members who are relatives, possibly up to twenty-six (26) weeks of unpaid leave. While on leave under the FMLA, your coverage under our health plan must be maintained during any period of unpaid leave under the same conditions as if you continued to work and, in general, you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave.

If you do not return to work following FMLA leave for a reason other than: (1) the continuation, reoccurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of the health insurance premiums paid on your behalf during your FMLA leave.

The following sets forth our expectations, and your obligations, with respect to your leave under the federal law. If a provision does not apply to you, it is unmarked or is marked as "N/A".

SECTION I - ELIGIBILITY/LEAVE USE.

A. You are not eligible for FMLA leave, because:

- You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked only approximately _____ months.
- You have not met the FMLA's 1,250 work hours requirement.
- You do not work and/or report to a job site that has 50 or more employees within a 75-mile radius.
- You have exhausted your FMLA leave entitlement.

B. You are eligible for leave under the law for the following requested purpose:

- Birth of a child, or placement of a child for adoption or foster care;
- A serious health condition affecting your spouse; child; parent; parent in-law (maximum of two [2] weeks in a 12-month period); domestic partner or parent of domestic partner (maximum of two [2] weeks in a 12-month period) for which you are needed to provide care;
- A serious health condition which has rendered you unable to perform your job duties;
- To provide care for a recovering covered service member or covered veteran who is my: spouse; child; parent; next of kin; and who suffered a covered injury or illness;
- As a result of a “qualifying exigency” of a service member who is my: spouse; child; parent; and is called to covered active duty or has been notified of an impending call or order to covered active duty status in the Regular Armed Forces, National Guard or Reserves in support of a contingency operation. Covered active duty requires deployment to a foreign country.

If eligible, your leave will commence on _____ and terminate on _____.
Intermittent Leave Dates: _____

You are expected to return to work on _____. If you decide to return early from your leave, you are to provide us with two (2) business days’ advance notice of your early return date.

The time you are absent from work is: now designated as federal FMLA leave; or tentatively designated as federal FMLA leave pending receipt of the following additional information:

Your leave will will not be counted against your annual Wisconsin FMLA leave entitlement. If Wisconsin FMLA leave applies, the following Wisconsin leave will run concurrent with your federal FMLA leave:

- _____ days of employee medical (maximum of two [2] weeks in a 12-month period);
- _____ days of family illness leave (maximum of two [2] weeks in a 12-month period); or
- _____ days of child rearing leave (maximum of six [6] weeks in a 12-month period).

SECTION II - PAID TIME SUBSTITUTION.

You may elect to substitute (i.e., use) certain accrued paid leave (e.g., sick leave, vacation) we provide for unpaid FMLA leave. You have requested to substitute _____.
That request is granted denied.

If granted, your use of the paid leave is subject to the following conditions and requirements: _____

If denied, your request was denied because: _____

Under the federal FMLA, we have the right to require you to substitute (i.e., use) certain leaves we provide, such as vacation. We are requiring that you utilize your accrued _____ while solely on leave under the federal law.

SECTION III - MEDICAL CERTIFICATION REQUIREMENTS.

You will will not be required to furnish medical certification of the serious health condition entitling you to the leave you have requested. If certification is required, a form is attached for that purpose. If required, you must furnish the certification to us within fifteen (15) calendar days of the date of receipt of this Notification. Failure to provide a properly completed certification may result in the delay or denial of your leave.

SECTION IV - INSURANCE BENEFITS.

While you are on leave, your health insurance coverage will be maintained on the same monetary basis that existed prior to your leave. If you normally pay a portion of the monthly premiums for your health and dental insurance, these payments will continue during the period of the FMLA leave. You will make premium payments as follows:

Monthly Amount to be Paid: \$ _____
Dates to be Paid: _____

You have a thirty (30) day grace period in which to make payment. If payment has not been timely made, your group health insurance may be canceled or, at our option, we may pay your share of the premiums during the FMLA leave and recover these payments from you upon your return to work or failure to return from leave. We will provide fifteen (15) days' notice prior to termination of your health insurance benefits. We will will not pay your share of the premiums for your health insurance while you are on leave if you fail to do so.

We will will not pay the monthly premium costs for other insurance benefits (e.g., life insurance, disability, long term care, if applicable) while you are on FMLA leave. If we do so,

when you return from leave or if you fail to return from leave, you will be expected to reimburse us for the payments made on your behalf.

SECTION V - FITNESS FOR DUTY.

Under the federal FMLA, an employer can request a “fitness-for-duty” certificate from a health care provider when an employee has been absent from work due to a serious health condition which has caused the employee’s absence. You will will not be required to present a fitness-for-duty certificate prior to being restored to employment. If required, the fitness-for-duty certificate is to be related solely to the particular serious health condition which entitled you to FMLA leave. If the certification is required but not received, your return to work may be denied until such certification is provided. We are attaching a fitness-for-duty certificate for completion by your health care provider if one is required.

SECTION VI - OTHER INFORMATION/REQUIREMENTS.

Should you have any questions in regard to the above or your rights and responsibilities under the law, you should contact the City Administrator.

Date: _____

By: _____
(Signature/Title)

Copy to Employee

Copy to Payroll Personnel

**APPENDIX A
FAMILY AND MEDICAL LEAVE POLICY**

Child rearing, family illness, employee medical leave, and military call-to-duty and military caregiver leave are available to employees as specified below. The intent of this Policy is to comply with both the Wisconsin and Federal Family and Medical Leave Acts. Should this policy conflict in any way with the applicable federal and state statutes or regulations, then the statutes or regulations shall control.

I. Eligibility.

Federal--To be eligible for the federal leave discussed below, the employee must **have worked for the City for twelve (12) months and worked at least one thousand two hundred fifty (1,250) hours in the last twelve (12) month period.** The employee must also work at a worksite where 50 or more employees are employed within 75 miles of that worksite.

Wisconsin--Employees who have been employed by the City for one (1) year and who have worked one thousand (1,000) hours during the preceding fifty two (52) weeks are eligible for the leaves provided under Wisconsin law. For leave available under state law, paid time off counts as hours worked.

This policy assumes that an employee is eligible for both federal and state leaves. This may not always be the case. Employees are to submit written requests for leave in all cases so that the City may make an eligibility determination.

II. Length of Leave.

The Federal Family and Medical Leave Law provides a combined total of twelve (12) weeks of basic family and medical leave for various purposes described below in a “twelve (12) month period,” and an additional fourteen (14) weeks of military caregiver leave. For purposes of the federal law, the “twelve (12) month” period for determining the basic twelve (12) weeks of leave entitlement is a twelve (12) month calendar year (January – December) for the City of Merrill.

Wisconsin law provides six (6) weeks of child-rearing leave, two (2) weeks of family illness leave, and two (2) weeks of employee medical leave in a calendar year.

Wisconsin, federal, and City leaves provided for the same purposes run concurrently; that is, they do not “stack.” If the leave is a City provided leave, plus federal and state FMLA leave as well, the leaves run concurrently. For example, an absence for a work or non-work related illness or injury that qualifies as employee sick leave is also deducted from an employee’s FMLA leave entitlements under the state and federal laws if the medical

condition qualifies as a “serious health condition” under those laws.

III. Notice of Eligibility For and Designation of FMLA Leave.

Employees requesting FMLA leave are entitled to receive written notice from the City telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: (1) their rights and responsibilities in connection with such leave; (2) the City’s designation of leave as FMLA qualifying or non-qualifying, and if not FMLA qualifying, the reasons why; and (3) the amount of leave, if known, that will be counted against the employee’s leave entitlement.

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City’s failure to designate leave as FMLA qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA leave.

IV. Employee FMLA Leave Obligations.

A. Notice of the Need for Leave.

Employees who take FMLA leave must timely notify the City of their need for FMLA leave. Employees should request FMLA leave in writing whenever possible. The following describes the content and timing of such employee notices.

1. Content of Employee Notice.

To trigger FMLA leave protections, employees must inform the City of the need for FMLA qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the City to determine that the leave is FMLA qualifying. For example, employees might explain that:

- A specific medical condition renders them unable to perform the functions of their job;
- They or a covered family member are under the continuing care of a health care provider for a specific medical condition;
- A specific medical condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness incurred in the line of duty;

- They are pregnant or have been hospitalized overnight; or
- The leave is due to a qualifying exigency caused by a covered military member being on active duty or called to active duty.

Calling in “sick,” without providing the reasons for the needed leave, will NOT be considered sufficient notice for FMLA leave.

Employees must respond to the City’s questions to determine if absences are potentially FMLA qualifying. If an employee fails to explain the reasons for FMLA leave, the leave may be denied. When an employee seeks leave due to FMLA-qualifying reasons for which the City has previously provided FMLA-protected leave, he or she must specifically reference the qualifying reason for the leave or the need for FMLA leave.

2. Timing of Employee Notice.

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days’ notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City with notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days’ notice for foreseeable leave, without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

V. Childbirth/Adoption Leave.

A. Purpose: Unpaid child rearing leave may normally be used within sixteen (16) weeks prior to, or within twelve (12) months following:

1. The birth of the employee’s natural child; or
2. The placement of a child with the employee for adoption or as a precondition to adoption under section 48.90(2) of the Wisconsin Statutes, but not both; or
3. The placement of a child with the employee for twenty-four (24) hour foster care that is made by or with agreement of a government agency.

B. Length of Child Rearing Leave: No employee may take more than twelve (12) weeks of federal child rearing leave in a twelve (12) month period. In addition, no more than twelve (12) weeks leave can be taken for the birth of any one child. If

both the mother and father of a child are employed by the City, and they both desire child rearing leave, they are generally only entitled to a combined total leave of twelve (12) weeks. Child-rearing leave provided under federal law runs concurrently with the six (6) weeks of child-rearing leave provided under Wisconsin law.

C. Intermittent/Partial Leave Absences.

For the first six (6) weeks of leave within sixteen (16) weeks prior to or after the child-rearing event (e.g., birth of child), an employee may take child rearing leave as an intermittent or as a partial absence from employment in increments of less than their full normal work day. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the City's operations. To comply with this requirement, an employee is to provide the City, in writing, with the employee's proposed schedule of intermittent or partial absences no less than one (1) week before the schedule of absences is to commence. The schedule must be of a sufficient definiteness that the City is able to schedule replacement employees, if necessary, to cover the absences. Partial or intermittent leave must commence within sixteen (16) weeks before or after the birth, adoption, or foster placement of a child. Leave cannot be taken intermittently or as a partial absence before or beyond sixteen (16) weeks of the event, unless previously approved in advance. Rather, any remaining child-rearing leave must be taken in a single block.

D. Scheduling Child Rearing Leave: An employee is expected to submit a written request for child rearing leave no less than thirty (30) calendar days before the leave is to commence and must schedule the leave after reasonably considering the City's needs. If the date of the birth, adoption, or foster care placement requires leave to begin sooner, the employee shall provide notice as soon as practicable.

VI. Family Illness Leave.

A. Purpose: Unpaid family illness leave may be used to care for the employee's spouse, child, parents, or spouse's parent (i.e., parent-in-law), or domestic partner as defined by law or a domestic partner's parent as defined by law, who have a serious health condition.

B. Length of Family Illness Leave: No employee may take more than a total of twelve (12) weeks of federal family illness leave for the employee's spouse, child, or parents in a twelve (12) month period. Wisconsin provides a total of two (2) weeks of family illness leave for these same purposes. The two (2) weeks of family illness leave provided under Wisconsin law in a calendar year for these same purposes runs concurrently with the federal leave.

As part of the two (2) weeks of family illness leave provided under Wisconsin law, an employee may take up to two (2) weeks of leave to care for a spouse's parent (i.e., a parent-in-law), a domestic partner, or a domestic partner's parent who has a serious health condition, in addition to the twelve (12) weeks of federal FMLA leave. Use of family illness leave under state law for parent-in-law and/or for domestic partner purposes reduces an employee's two (2) week family illness leave entitlement provided under state law for other purposes (i.e., to care for spouse, parent, or child); however, it does not reduce the employee's twelve (12) week federal leave entitlement.

VII. Employee Medical Leave.

- A. Purpose: Unpaid medical leave may be used by an employee who has a serious health condition which renders the employee unable to perform his or her job duties.
- B. Length of Medical Leave: No employee may take more than twelve (12) weeks of federal employee medical leave in a twelve (12) month period. This leave generally runs concurrently with the two (2) weeks of employee medical leave provided under state law in a calendar year.

VIII. Military Call to Duty Leave.

- A. Purpose: Federal unpaid call-to-duty leave may be used as a result of a qualifying exigency arising from an employee's spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty status in the National Guard or Reserves in support of a contingency operation.

Qualifying exigencies may include attending certain military events, arranging for alternative child-care, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- B. Length of Leave: An eligible employee is entitled to twelve (12) weeks of call-to-duty leave in a twelve (12) month period. The twelve (12) weeks is part of the twelve (12) weeks provided under federal law for other purposes as described above.

IX. Injured/Ill Service member Caregiver Leave.

- A. Purpose: In addition to the basic FMLA leave entitlements discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a covered service member is entitled to take up to 26 weeks of military caregiver leave during a single 12-month period to care for the service member with a serious injury or illness incurred in the line of duty.

A "covered service member" means a member of the Armed Forces, including a

member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list, for a serious injury or illness. A member of the Armed Forces would have a serious injury or illness if he/she has incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness renders the service member medically unfit to perform duties of the member's office, grade, rank or rating.

"Next of kin" of a covered service member means the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin.

- B. Length of Leave: Leave to care for a service member shall only be available during a single 12-month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. For purposes of military caregiver leave, the single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member. A separate caregiver leave can be taken for each covered service member and/or for each new injury/illness.

X. Scheduling Family Illness/Employee Medical/and Military Caregiver Leave.

- A. Medical Necessity: An employee may schedule family illness, employee medical or military caregiver leave as medically necessary. An employee must consider the needs of the City when scheduling leave. When medically necessary, an employee may take the leave as an intermittent or as a partial absence from employment in increments of less than their full normal work day. The lowest increment may be the lowest increment that the City permits for any other type of leave, paid or unpaid. An employee who does so shall schedule the intermittent or partial absence so it does not unduly disrupt the City's operations. To comply with this requirement, an employee is to provide the City, in writing, with the employee's proposed schedule of partial absences as soon as possible after the employee learns of the probable necessity of such leave.

- B. Planned Treatment: When planning medical treatment, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations, subject to the approval of the health care provider. Employees should consult with the City prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City and the employee, subject to the approval of the health care provider. If an employee providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to fulfill this obligation, the City may require the employee to attempt to make such arrangements, subject to the approval of the health care provider.

- C. Intermittent/Reduced Schedule Leave: When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, employees must, upon request, advise the City of the reason why such leave is medically necessary. In such instances, the City and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the City's operations, subject to the approval of the health care provider.

XI. Serious Health Condition/Medical Certification Supporting Need for Leave.

- A. Submission of Certifications: Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications establishing that a "serious health condition" (described below) is involved and supporting their need for FMLA leave. As described below, there generally are three types of FMLA medical certifications: an initial certification, a recertification, and a return to work/fitness for duty certification.

It is the employee's responsibility to provide the City with timely, complete and sufficient medical certifications. Whenever the City requests an employee to provide a FMLA medical certification, the employee must provide the requested certification within 15 calendar days after the City's request, unless it is not practicable to do so despite the employee's diligent, good faith, efforts. The City shall inform the employee if a submitted medical certification is incomplete or insufficient and provide the employee with at least seven calendar days to cure deficiencies. The City may deny FMLA leave to an employee who fails to timely cure deficiencies or otherwise fails to timely submit requested medical certifications.

With the employee's permission, the City (through individuals other than an employee's direct manager) may contact the employee's health care provider to authenticate or clarify medical certifications. If an employee chooses not to provide the City with authorization allowing it to clarify or authenticate a certification with a health care provider, the City may deny FMLA leave if the certification is unclear and a serious health condition cannot be verified.

Whenever the City deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

B. Types of Certifications.

1. Initial Medical Certifications.

Employees requesting leave because of their own, or a covered relative's, serious health condition, or to care for a covered service member, must supply a medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If an employee provides at least 30 days' notice of medical leave, he or she should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

A "serious health condition" is considered to be a disabling physical or mental illness, injury, impairment, or condition involving any of the following:

1. Inpatient care in a hospital, nursing home, hospice, or residential medical facility; or
2. Outpatient care that requires continuing treatment or supervision by a health care provider.

The federal FMLA leave includes a more detailed and expansive definition of a "serious health condition" described in the medical certification form, which is provided to an employee if the employee is required to submit a medical certification form from his/her physician, certifying that a "serious health condition" within the meaning of law is involved.

If the City has reason to doubt an initial medical certification, it may require an employee to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require an employee to obtain a third, final and binding, certification from a health care provider designated or approved jointly by the City and the employee.

2. Medical Re-certifications.

Depending on the circumstances and duration of FMLA leave, the City may require an employee to provide a recertification of a medical condition

giving rise to the need for leave. The City will notify the employee if recertification is required and will give the employee at least 15 calendar days to provide medical recertification.

3. Return to Work/Fitness for Duty Medical Certifications.

An employee returning to work from FMLA leave that was taken due to the employee's own serious health condition that made the employee unable to perform his/her job duties must provide the City with a medical certification from a physician confirming the employee is able to return to work and the employee's ability to perform the essential functions of the employee's position. The City may delay and/or deny job restoration until an employee provides a requested return to work/fitness-for-duty certification.

C. Certifications Supporting Need for Military Family Leave.

Upon request, the first time an employee seeks leave due to a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the City may require the employee to provide: (1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or called to active duty status and the dates of the covered military member's active duty service; and (2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. An employee shall provide a copy of new active duty orders or other documentation issued by the military for qualifying exigency leaves arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, the City may require the employee to obtain certifications completed by an authorized health care provider of the covered service member. In addition, the City may request that the certification submitted by the employee set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

XII. Using Paid Leave While on Unpaid FMLA Leave.

Wisconsin FMLA - While on Wisconsin FMLA leave (including when running concurrently with federal FMLA leave), an employee may elect to use any accrued City provided paid time off while taking unpaid FMLA leave.

Federal FMLA - When solely utilizing federal FMLA leave, an employee may elect, or the City require, an employee to utilize certain accrued City provided paid leave while on FMLA leave. For example, an employee may elect, or the City may require, the use of

accrued PTO while on any type of FMLA leave. However, an employee's use of City provided paid leave must comply with the terms and conditions of the City's paid leave policy.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave - the paid time runs concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a paid or unpaid disability leave plan or worker's compensation injury/illness run concurrently with any FMLA leave entitlement. Upon written request, the City may allow employees to use available accrued leave to supplement any paid disability or worker's compensation benefits.

XIII. Insurance and Benefits.

A. Payment of Premiums.

While an employee is on FMLA leave, the City will maintain group health insurance coverage under the conditions that applied before the leave began. If prior to the leave, the employee was required to participate in the premium payments, the employee is required to continue with payment of his/her share of the premiums while on leave. An employee's failure to make the required payments may result in termination of the employee's insurance coverage.

Unless the City notifies employees of other arrangements, whenever employees are receiving pay from the City during FMLA leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the City.

B. Termination of Benefits.

The City's obligation to maintain health benefits will stop if and when: (1) an employee informs the City of intent not to return to work at the end of the leave period; (2) the employee fails to return to work when the leave entitlement is used up; or (3) the employee fails to make any required payments while on leave after appropriate waiting periods and time periods as specified by law. The City's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the City will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

C. Recovery of Premium Payments.

If the City chooses to do so, it may pay an employee's required premium payments while the employee is on leave. If the City does so and an employee does not immediately repay the City upon the employee's return to work, the City will deduct the amount of the payments from the employee's paycheck.

Also, the City has the right to collect from an employee the health insurance premiums the City paid during a period of unpaid leave if the employee does not return to work after the leave entitlement has been exhausted or expired. Such premium amounts may be deducted from any compensation owed to the employee upon termination of employment. An employee must return to work for at least thirty (30) calendar days in order to be considered to have "returned" to work. However, an employee's liability to repay health insurance premiums does not apply if his/her failure to return to work is due to a serious health condition or specific circumstances beyond the control of the employee.

XIV. Return From Leave.

An employee returning from family and/or medical leave can return to his or her old position, if vacant, at the time the employee returns to work. If the position is no longer vacant, the employee may be offered an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

The determination as to how an employee is to be restored to "an equivalent position" upon return from FMLA leave is made on the basis of established policies, practices and provisions of the federal FMLA. You will be required to present a document that confirms you are able to return to work.

XV. Outside Employment.

An employee who is solely utilizing federal FMLA leave (i.e., Wisconsin FMLA leave has been exhausted) and/or a City provided and approved leave, is prohibited from working for another employer while on federal FMLA leave.

Employees should contact the City Administrator if they have any questions regarding this policy.

BENEFITS

FRINGE BENEFITS

14-1 PURPOSE. This chapter sets forth the description of fringe benefits not described elsewhere in this manual, and their eligibility criteria.

14-2 GENERAL ELIGIBILITY. Fully paid fringe benefits in which there is some City cost participation are generally available only to persons employed in regular positions. Exceptions to this policy may be made by action of the Common Council, or as provided for in these policies. Collective bargaining provisions governing unionized employees may differ from these eligibility standards and City contribution levels set forth herein. Part-time employees working more than thirty (30) hours per week on a regular basis (i.e. excluding summer recreation employees) are eligible for fringe benefits on a pro rata basis based on the number of hours worked per week.

14-3 PENSION. All persons employed in qualified positions are enrolled in the Wisconsin Retirement System, which serves as the City's pension program. The Wisconsin Department of Employee Trust Funds requires participation when any employee hired prior to July 1, 2011 exceeds 600 hours or 1,200 hours for employees hired after June 30, 2011 during a rolling 52 week timeframe.

14-3-1 The City will pay Employer-Required Contributions for all employees.

Employees in General Classification and Elected are required by Wisconsin Statutes to contribute the Employee-Required Contributions as are Protective Classification employees hired after June 30, 2011.

Non-Union Protective Classification employees hired before July 1, 2011 will pay the same percentage of Employee-Required contributions as in force through contracts with the Merrill Professional Police Association or Merrill Firefighters – International Association of Firefighters Local 847.

14-4 SOCIAL SECURITY. All persons employed are enrolled in the Social Security System except firefighters. All employees participate in Medicare.

14-5 GROUP HEALTH INSURANCE PROGRAM. Employees in full-time regular positions may participate in the Health Insurance single or family plan on the first day of the month following the first day of work for the City. Notwithstanding Section 2-5, the City Clerk is eligible for full single or family health insurance coverage beginning the first day of the month after assuming office.

Part-time employees working thirty (30) or more hours per week on a regular basis may also participate on a pro-rata basis upon the percentage of a full-time position (e.g. prorated health

insurance benefits for an employee working thirty hours per week would be calculated by taking the premium amount, less the employee deduction amount, with the City paying 75% of the balance of the monthly premium cost and the employee paying 25% of the monthly premium balance). Employee coverage is subject to the terms and limitations contained in the group health insurance policy adopted by the City. In the event that an employee's spouse is also a City employee, that employee and the employee's spouse will be entitled to only one family health insurance contract between them from the City. **The City reserves the right to change insurance coverage or insurance policies at any time in its sole discretion. (City has family or single coverage.)**

14-5-1 High Deductible Health Plan – Health Savings Account (HSA) Eligible. The employees are offered a High Deductible Health Plan - Health Savings Account (HSA)

14-5-2 Group Health Insurance Incentive Plan. In the event that any employee eligible for the City's group health insurance program obtains coverage under another health insurance plan through the employee's spouse or family member not sponsored by the City, and the employee provides written evidence of such other coverage and declines coverage under the City's group health insurance program, the City will pay full-time employees \$3,000 (\$250 per month) if the employee would have been eligible for the family group health insurance plan or \$1,500 (\$125.00 per month) if the employee would have been eligible for the single group health insurance plan as an incentive. Part time employees are eligible for pro-rated amounts. Such incentive payment is paid annually by the City at the same time that longevity payments are made under Section 6-9 of this manual.

14-5-3 Group Health Insurance Coverage for Retirees. In the event that an employee or official who qualifies for the Group Health Insurance Program leaves City employment and is eligible for and receives a pension from the Wisconsin Retirement System, the employee may remain a member of the City's Group Health Insurance Program until the employee becomes eligible for Medicare, at the employee's cost. The retired employee must pay the monthly premium on a timely basis as established by the City's group health insurance carrier either from the employee's own funds or, to the extent available, accumulated sick leave benefit under Section 12-3-9. Failure to pay premiums when due will result in cancellation of coverage for the retired employee.

14-6 GROUP DENTAL INSURANCE PROGRAM. All City employees working thirty (30) or more hours per week on a regular basis may participate in the Group Dental Insurance single or family plan on the first day of the month following thirty (30) days of work for the City. Notwithstanding the foregoing, employees participating in the group dental program are subject to any waiting periods required by the Group Dental Insurance single or family plan. Employees bear

the full cost of the insurance which is deducted from the employee's paycheck. Employee coverage is subject to the terms and limitations contained in the group dental insurance policy adopted by the City. **The City reserves the right to change insurance coverage or insurance policies at any time in its sole discretion. For purposes of this section only, the term "employees" includes the City Clerk.**

14-7 UNEMPLOYMENT COMPENSATION. The City provides unemployment compensation for eligible employees.

14-8 WORKER'S COMPENSATION. Employees may be eligible for benefits under Worker's Compensation laws of the State of Wisconsin. Employees injured on the job are required to report any injury immediately to their supervisor and the Clerk Treasurers Office.

14-8-1 If an injury sustained while off the job prevents an employee from working, they may use accrued sick leave, vacation, holiday time to cover the absence from work and loss of earnings.

14-9 DEFERRED COMPENSATION. Employees working thirty (30) or more hours per week are eligible to participate in the City's Deferred Compensation Program. Under this program, any employee may designate a portion of his/her income to be deposited into a special investment account for use in retirement years. The program offers certain tax advantages to participants.

14-10 LIFE INSURANCE. The City provides life insurance through the Wisconsin Department of Employee Trust Funds for employees eligible under Section 14-3 - Pension, including the City Clerk. The premium is paid in full by the City of Merrill for Basic Group Life and Supplemental Group Life Insurance. Employees must pay the full cost for Additional Group Life Insurance coverage that they choose.

14-11 NEW PAYROLL DEDUCTIONS. New payroll deductions shall be added to the City payroll system only if the computer system will accommodate the new payroll deduction and a minimum of 20% of all eligible employees request the new deduction.

14-12 LONG-TERM DISABILITY INSURANCE. All full-time and part-time City employees working thirty (30) or more hours per week on a regular basis may participate in the Long-Term Disability Insurance program on the first day of the month following the first day of work for the City. Notwithstanding the foregoing, employees participating in the Long-Term Disability program are subject to any waiting periods required by the Long-Term Disability plan. Employees bear the full cost of the insurance which is deducted from the employee's paycheck. The City reserves the right to change insurance coverage or insurance policies at any time in its sole discretion.

BENEFITS

EMPLOYEE ASSISTANCE PROGRAM

15-1 PURPOSE. The City of Merrill provides an Employee Assistance Program to promote the mental and physical well-being of its most important resource, its employees. This chapter sets forth the objectives of the Employee Assistance Program. It defines referral procedures.

15-2 PROGRAM OBJECTIVES. The City of Merrill recognizes that a wide-range of problems, although sometimes not directly associated with one's job responsibilities, can have an adverse effect on an employee's job performance, and that such problems may be a result of stress experienced in the course of employment. In most instances, employees overcome such personal problems independently and the effect on job performance is negligible. In other instances, normal supervisory assistance is required so that an employee's job performance returns to an acceptable level. In some cases, however, neither the efforts of the employee nor the supervisor have the desired effect of resolving the employee's problem and unsatisfactory performance persists over a period of time, either constantly or intermittently. The Common Council believes that it is in the interest of the employee, the employee's family and the City to provide employee services which deal with the problems of alcoholism, drug abuse, and personal problems. The purpose of this policy is to assure that employees experiencing any of these illnesses receive the same careful consideration and offer of treatment that is presently extended to employees having any other illnesses. Similarly, an employee's job performance may also be affected when a member of his/her family is afflicted with alcoholism, drug dependency, or emotional problems. In that interest, the City extends the same offer of information referral, and assistance to employee's immediate family members. The illnesses of alcoholism, drug dependency, and emotional disorders will receive financial benefits and insurance coverage in accordance with established employee benefit plans or relevant statutory provisions.

15-3 ADMINISTRATIVE STRUCTURE. The City of Merrill recognizes that the behavior-medical problems of alcoholism, drug dependency and emotional illness are highly complex illnesses that can be successfully treated. It is recognized that the social stigma often associated with alcoholism, drug dependency and emotional illness has no factual basis. It is believed that an enlightened public attitude and a realistic acceptance of these behavioral-medical problems as illnesses will encourage employees who suspect that they may have such an illness, even in its early stages, to take advantage of the diagnostic, counseling, and treatment services available. Therefore it is the policy of the City of Merrill to handle such problems within the following framework.

- 15-3-1 Implementation of this policy should not require, or result in, any special regulation, privileges or exemptions from the standard administrative practices applicable to job performance requirements. Nor shall there be any inconsistency with Labor Agreements.

- 15-3-2 The City of Merrill believes that supervisory use of this program should be based on confronting the employee with unacceptable job performance criteria.
- 15-3-3 It is the option of the employee to either accept or reject referral for diagnosis or professional treatment. The City of Merrill encourages employees to seek help on their own initiative and nothing in this policy negates that right.
- 15-3-4 The fact that an employee accepts, rejects, or fails to respond to treatment for alcoholism, drug abuse, or other personal behavior-medical problems, in no way diminishes the employee's responsibility to meet required job performance standards.
- 15-3-5 It will be the responsibility of all management and supervisory personnel, to follow procedures which assure employees with behavior-medical problems that their job security or promotional opportunities will not be jeopardized by a request and/or referral for diagnosis and treatment.
- 15-3-6 All records on employees referred, and actions taken under this program, are to be maintained in the strictest of confidence. Violation of this provision may result in disciplinary action, up to and including discharge.
- 15-3-7 Discussion and speculation about an employee's suspected personal problems which betrays personal information expressed to management or fellow personnel can have the effect of creating gossip and rumor within the organization and as such is prohibited. Such communications are contrary to the intent of the Employee Assistance Program and will certainly undermine the confidence that employees must have if the program is to be effective.

15-4 COORDINATOR RESPONSIBILITIES. The City Administrator is designated coordinator of the Employee Assistance Program. The City Administrator is responsible to:

- 15-4-1 Establish procedures that ensure counseling, treatment and referral to outside agencies when necessary.
- 15-4-2 Ensure that discussion between the employer and the employee during the evaluation and referral interviews remains confidential.
- 15-4-3 With the employee's approval, confidentially inform the employee's supervisor as to the progress of the employee.
- 15-4-4 Conduct a back-to-work interview with the employee and supervisor when in-patient treatment has occurred.
- 15-4-5 Consult regularly with the management and staff concerning actions taken under this

program.

15-5 MANAGEMENT RESPONSIBILITIES. All Department Heads will continue to fulfill their personnel management responsibilities and maintain performance efficiency through normal procedures. Such procedures shall include, but not be limited to the following:

- 15-5-1 Documenting specific instances where an employee's work performance, behavior or attendance fails to meet acceptable levels or where the employee's pattern of performance appears to be deteriorating.
- 15-5-2 Advise the City Administrator of the employee's performance problem and the possibility of a referral. Department Heads must be able to describe behavior but should not attempt to diagnose or draw conclusions. This is a medical or counseling responsibility.
- 15-5-3 As soon as a Department Head recognizes that the employee has a continuing performance problem, the Department Head shall conduct an interview with the employee, focusing on poor work performance, and shall informally suggest to the employee that he/she seek assistance in dealing with his/her problem. At this point, it will be left up to the employee whether or not to obtain assistance. If the unsatisfactory work performance ceases, no further action is necessary.
- 15-5-4 When an employee's conduct or job performance remains below acceptable levels and the informal suggestion fails to result in satisfactory improvement, the Department Head shall do the following:
 - (1) Formally document all of the events which have led to the Department Head's recognition of the problem, including the following:
 - (a) Incident description, numbers and dates, such as frequency and reasons for absences, discrepancies in job performance, etc.
 - (b) Number of informal referrals.
 - (2) Report the information in a memorandum to the City Administrator.
 - (3) Set up a mutually acceptable appointment time for the employee to meet with the supervisor and the City Administrator.
 - (4) If the employee is uncooperative by failing to keep or reschedule the appointment or refuses to enter the program, and the employee's performance continues to be unacceptable, the Department Head shall initiate progressive disciplinary action to correct the poor job performance. Information recorded in this report shall include attempts by the Department Head to formally or informally refer the employee to diagnostic or treatment assistance.

15-5-5 Employees who have made the decision to accept professional treatment which will require absence from work, will be granted sick leave for this purpose. In case of insufficient sick leave, consideration will be given to granting an employee additional leave of absence without pay. This does not negate the possibility of the employee seeking any other benefits available under relevant statutory provisions.

15-5-6 The Department Head and City Administrator shall have authorization to review all medical and/or counseling records in order to make a determination if the employee is able to return to work.

15-6 TRAUMATIC EVENTS. Consistent with the responsibilities and resources established in the Employee Assistance Program, traumatic events can also present a unique challenge to any employee of the City of Merrill. A traumatic event exposure is not limited to one department or group of employees. There is potential for such an incident to happen to anyone. It is important that we, the City of Merrill, respond early and appropriately by marshaling a pool of resources which may be able to aid the employee(s) in processing and coping with the experience of a traumatic event. The following guidelines are intended to be a resource in the absence of Department specific protocols and shall not supplant any future or existing individual department guidelines. For purposes of this policy, the term Employee includes elected officials.

15-6-1 Examples. Examples of traumatic or critical incidents may include, but are not limited to:

- Employee involved in the use of deadly force.
- Aggravated assault or battery to an employee.
- Injury, illness, or death of an employee or family member of an employee.
- Assisting family members with an employee's death, injury, or serious illness.
- Catastrophic incidents such as natural disasters, fatal accidents, etc.
- Exposure to incident involving death, such as infant or child deaths.
- Industrial accidents and workplace accidents involving serious injury or death.

15-6-2 Notification. All employees of the City of Merrill and members of their families are encouraged to contact a Dept. Supervisor, Dept. Head, or the City Administrator when they become aware of an employee who is in need of assistance while coping with a traumatic event. This activation of services will assist employees in recognizing and resolving any identified need. Referrals may occur as follows:

- An employee may personally contact a coworker, Dept. Supervisor, Dept. Head, or City Administrator for direct assistance.
- An employee or family member aware of another employee who may be in need of assistance can initiate a referral by contacting a Dept. Supervisor, Dept. Head, or City Administrator.

- A family member or associate of the employee may make a referral.

15-6-3 Responsibilities. Supervisory personnel have the authority and responsibility to recommend or refer services to an employee when appropriate after any traumatic event. Supervisory personnel may also activate services by notifying the Dept. Head or City Administrator. It must be understood that this support is voluntary and that an employee cannot be ordered to participate. Referrals will not be used as a disciplinary action. Supervisory personnel, Dept. Heads, and City Administrators who become involved in referring employees for services shall follow up with said employees to ensure that they are safe and coping well, or are refusing services. Additionally, the employee may require a change in the services offered. Follow up shall continue until such time as the need for services no longer exists.

Note that police officer involved uses of deadly force require the employer to preserve protections granted to the police officer while the use of force is under investigation by another agency. In that case, some of the listed resources would not provide confidentiality protections to statements made. The decision to participate, as always, is up to the officer or employee.

15-6-4 Internal Resources. Internal resources offered are those services that are already incorporated into some function of City Government. An inter-departmental nexus shall exist to connect an employee(s) to appropriate services. Dept. Heads will assist in the facilitation of services to any City employee when appropriate. Internal resources may include, but are not limited to:

- Employee Assistance Program (see section 15-1 of the Employee Handbook)
- Defusing. A defusing is a brief discussion on the facts of the event. All members of the effected group will be encouraged to attend a defusing session that will ideally occur immediately after or shortly after the event. A defusing is done the day of the incident before the person(s) has a chance to sleep. The defusing is designed to assure the person(s) involved that their feelings are normal, tells them what symptoms to watch for over the short term and to offer them a lifeline in the form of a contact for additional services or de-stressing, typically the facilitator. Defusing may be limited only to individuals directly involved in the incident and are often done informally. They are designed to assist individuals in coping in the short term and address or identify immediate needs. A defusing can be facilitated by an involved Dept. Supervisor, Dept. Head, or City Administrator.
- Critical Incident Debriefing. (Merrill Fire Department has the most experience facilitating Critical Incident Stress Debriefings). A Critical Incident Debriefing is normally facilitated within 72 hours of the incident and gives the individual or group

the opportunity to talk about their experience, how it has affected them, brainstorming coping mechanisms, identify individuals at risk, and inform the individual or group about services available.

- Psychological services and professional counseling. (Merrill Police Department has the most interaction with local psychological services. The possibility of additional services has frequently been discussed with the provider.) Depending on the traumatic incident exposure, this type of service may be provided for by the City of Merrill Worker's Compensation Insurance.
- Peer support. Peer support services are not formally offered but may exist informally within or even beyond department boundaries. Peers providing support generally facilitate the introduction of the affected employees to services that may aid their situation.
- Chaplaincy. (Merrill Fire Department has a Chaplaincy program) A Chaplain may be able to provide direct services or connect an employee to their preferred pastoral services.

15-6-5 External Resources. External resources are those where no formal relationship exists with the provider, yet they may be able to offer meaningful services to the employee. External resources may include but are not limited to (note, some may be industry specific):

- All Clear Foundation <https://allclearfoundation.org/>
- Anxiety Disorders & Depression Association of America <https://adaa.org/>
- Center for Suicide Awareness <https://centerforsuicideawareness.org/>
- Concerns of Police Survivors (COPS) <https://www.concernsofpolicesurvivors.org/> or <https://wicops.org/>
- Mental Health America <https://www.mhawisconsin.org/>
- NAMI <https://namiwisconsin.org/>
- NAMI- Mental Health Conditions <https://www.nami.org/> About section
- Prevent Suicide Wisconsin <https://www.preventsuicidewi.org/home>
- PTSD: National Center for PTSD <https://www.ptsd.va.gov/>
- Suicide PreventionLifeLine-1(800)273-8255 <https://suicidepreventionlifeline.org/>
- Talk2EndStigma <https://www.talk2endstigma.com>
- Wisconsin DHS Mental Health: Care and Coverage <https://www.dhs.wisconsin.gov/mh/hccindex.htm>
- Cover Me Blue <https://covermeblue.org/>
- IAFF Center of Excellence-Rehab for Firefighters <https://www.iaffrecoverycenter.com/>
- First Responder Center for Excellence <https://www.firstrespondercenter.org/>
- Warriors Heart- First Responder Treatment <https://www.warriorheart.com>
- Wisconsin Law Enforcement Death Response Team (LEDR) <https://www.wiledr.org/>

- Resilient Wisconsin: Secondary Trauma
<https://www.dhs.wisconsin.gov/resilient/secondary-trauma.htm>
- CrewCare <https://crewcarelife.com/>
- Guardian App (WI) phone application

DISCIPLINE AND GRIEVANCE

DISCIPLINARY ACTION / WORK RULES

16-1 REASONS FOR DISCIPLINARY ACTION. Disciplinary action against employees may be taken for violations of standards of conduct, violations of policies and procedures, or for unsatisfactory work performance. Disciplinary action will only be taken after a full investigation and after giving the employee an opportunity to respond to any and all allegations.

The level of discipline imposed will take into consideration the seriousness of the infraction as well as the employee's performance record. When appropriate, discipline should be corrective in nature. Disciplinary action is meant to be corrective, to change behavior, not to be punitive in nature. At the employer's sole discretion, various types of employee discipline may be imposed which include, but are not limited to the following: counseling (documented in writing), written warning, suspension, and termination. None of these disciplinary measures are required to be used before termination occurs. The listed disciplinary actions are not required to be used in any specific order. The employer may repeat disciplinary action.

Employees are expected to work in a competent and conscientious manner which reflects favorably upon the employee and the City of Merrill. The following is a non-exhaustive list of examples of behavior which would normally justify disciplinary action.

Infractions include, but are not limited to:

- 16-1-1 Dishonesty or falsification of records, fraud in securing employment, or falsification of timekeeping records.
- 16-1-2 Insubordination or willful misconduct (refusal to carry out a reasonable order, insolence, talking back, arguing, verbal or physical assault of a supervisor, co-worker, or member of the general public).
- 16-1-3 Theft, inappropriate removal, or unauthorized possession of City property.
- 16-1-4 Incompetency/inefficiency in performing job duties/responsibilities.
- 16-1-5 Neglect of duty.
- 16-1-6 Failure to obtain and maintain current licenses or certifications as required by law or the City of Merrill.
- 16-1-7 Destruction, negligence, or improper conduct or use of City equipment or property.
- 16-1-8 Abuse or unauthorized use of City equipment or property.

- 16-1-9 Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or closely preceding duty to the extent that the effects on the user are apparent on the job (including abuse of prescription or other medications) or while operating employer-owned vehicles or equipment.
- 16-1-10 Smoking or tobacco use, while on duty, in City owned property or in/on City owned equipment.
- 16-1-11 Discourteous treatment of the public or fellow employees.
- 16-1-12 Actions that lead to the inability to maintain effective working relationships with other employees or the public.
- 16-1-13 Workplace violence, fighting or creating a disturbance among co-workers resulting in an adverse effect upon morale, production, or maintenance or proper order.
- 16-1-14 Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace. The City strictly prohibits concealed carry by its employees during the course of employment.
- 16-1-15 Disorderly or unreasonable conduct including off-duty conduct which brings disrepute upon the individual or which reflects adversely upon the City as an employer thereby affecting employee's ability to perform assigned duties.
- 16-1-16 Conviction of a felony or misdemeanor that is substantially related to the employee's position and duties performed.
- 16-1-17 Unavailability for work because of incarceration.
- 16-1-18 Absence without authorized leave, or misrepresenting the purpose of an authorized leave.
- 16-1-19 Unauthorized absence from work place during the workday.
- 16-1-20 Abuse of sick leave.
- 16-1-21 Habitual tardiness.
- 16-1-22 Use of official position or authority for personal profit, sexual purpose, or political advantage.

- 16-1-23 Sexual or other unlawful or unwelcomed harassment.
- 16-1-24 Engaging in discriminatory or abusive conduct with respect to employees protected by equal opportunity laws.
- 16-1-25 Gambling on City property.
- 16-1-26 Disregard or repeated violation of safety rules and regulations.
- 16-1-27 Knowingly make false or malicious statements with the intent to harm or destroy the reputation, authority or official standing of individuals or organizations.
- 16-1-28 Acceptance of any gift, favor, or service in return for performing duties that might reasonably be viewed as tending to improperly influence an employee in the discharge of his/her duties.
- 16-1-29 Violation of established personnel policies, including, but not limited to this manual.
- 16-1-30 Negligence or willful damage to City, or other, property during the course of employment.
- 16-1-31 Negligent work performance or failure to perform duties in accordance with City standards.
- 16-1-32 Violation of personnel policies.
- 16-1-33 Unsatisfactory performance or conduct.
- 16-1-34 Unauthorized disclosure of proprietary or confidential information.
- 16-1-35 Violation of any lawful order, directive, policy or work rule.
- 16-1-36 Failure to pass a drug or alcohol test.

The offenses listed above are not intended to be all-inclusive, and discipline or discharge may occur for any other reason depending upon the seriousness of the offense and the particular circumstances involved.

16-2 DOCUMENTATION. All discipline shall be documented with a copy provided to the employee and a copy placed in the employee's personnel file.

16-3 EMPLOYEE DISCIPLINARY ACTION FORM. The following form may be used to document disciplinary actions:

CITY OF MERRILL DISCIPLINARY ACTION FORM

EMPLOYEE: _____

SHIFT: _____ TIME: _____ a.m. DATE OF
p.m. WARNING: _____

DATE OF VIOLATION _____
_____ 1st Occurrence
_____ 2nd Occurrence
_____ 3rd Occurrence

NATURE OF VIOLATION

RULE
VIOLATED: _____

DESCRIPTION OF VIOLATION:

DISCIPLINARY ACTION
TAKEN: _____

ADDITIONAL REMARKS

Supervisor:

Employee:

SIGNATURES:

EMPLOYEE Date

SUPERVISOR Date

CITY ADMINISTRATOR Date

DISCIPLINARY AND GRIEVANCE

DISCIPLINARY ACTION POLICY

17-1 DISCIPLINARY ACTION POLICY. While it is the hope of the City that discipline will be rarely necessary, when it is determined that an employee is not fulfilling the responsibilities of the position to which he or she is assigned, reasonable steps should be taken prior to discharge. In order to determine objectively that the employee has been given an opportunity to correct a deficiency, the following policy has been established. Notwithstanding the City's goal to provide a progressive discipline procedure, it is within the sole discretion of the City to determine when more severe discipline, including dismissal/termination, is warranted. This policy is subject to change and modification.

Discipline may result when an employee's actions do not conform with generally accepted standards of good behavior, when an employee violates a policy or rule, when an employee's performance is not acceptable, or when the employee's conduct is detrimental to the interests of the City of Merrill. Disciplinary action may call for any of four steps – Counseling, Reprimand, Suspension (without pay) or Termination of employment – depending on the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Certain types of employee problems are serious enough to justify either a suspension or dismissal/termination of employment without going through progressive discipline steps. The City of Merrill reserves the right, in its sole discretion, to impose disciplinary action as may be appropriate to the particular circumstances.

17-1-1 Policy Guideline: New Employees

A new employee usually of six months or less (one year or less for Department Heads) whose performance is unsatisfactory should be dismissed/terminated if he or she fails to demonstrate ability or desire to perform at an acceptable level.

17-1-2 Policy Guideline: Other Employees

Disciplinary situations involving employees who have been employed usually for longer than six months (one year for Department Heads) should be dealt with by progressive discipline. Consistently applied progressive discipline will assure equitable treatment and encourage acceptable performance.

These steps are suggested in the discipline procedure. Discharge/termination is recommended when the employee does not respond to these steps:

Step 1: Counseling

When a performance problem is first identified, the problem should be thoroughly

discussed with the employee. Bringing the problem to the attention of the employee is often enough to prompt him or her to correct it willingly. This counseling is documented in writing in the employee's personnel file.

Step 2: Reprimand

If a private informal discussion with the employee has not resulted in corrective action, following a thorough investigation, the supervisor should meet with the employee and: (a) review the problem, (b) permit the employee to present his or her views on the problem, (c) advise the employee that the problem must be corrected, (d) inform the employee that failure to correct the problem will result in further disciplinary action which may include discharge, and (e) issue a reprimand to the employee. In the event that the violation is so severe that the lesser steps are inappropriate, termination will result.

Step 3: Suspension

If satisfactory performance and corrective action are not achieved under Steps 1 and 2, the supervisor and his or her superior should meet with the employee in private and issue a suspension without pay notice to the employee. In the event that the violation is so severe that the lesser steps are inappropriate, termination will result.

Step 4: Termination

In the event that a suspension does not restore satisfactory performance, discharge/termination may result, or in the event that the violation is so severe that the lesser steps are inappropriate, termination will result. Termination will be the removal of an employee from the payroll.

DISCIPLINE AND GRIEVANCE

GRIEVANCE PROCEDURE

18-1 GRIEVANCES. This policy is intended to comply with Section 66.0509(1m), Wis. Stats., and provides a grievance procedure addressing issues concerning workplace safety, discipline and termination. This policy applies to all employees covered under Section 66.0509, Wis. Stats., other than police and fire employees subject to Section 62.13(5), Wis. Stats. “Employee” does not include: statutory or political appointees, limited term employees, seasonal employees, casual employees, temporary employees and independent contractors. An employee may appeal any level of discipline under this grievance procedure. For purposes of this policy, “workplace safety” is defined as conditions of employment affecting an employee’s physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same. This policy is subject to change and modification.

Employees should first discuss complaints or questions with their immediate supervisor. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems or misunderstandings that have arisen before filing a grievance.

18-1-1 Step 1 – Written Grievance Filed with the City Administrator. The employee must prepare and file a written grievance with the City Administrator within five (5) business days of when the employee knows, or should have known, of the events giving rise to the grievance. The written grievance must contain the name and position of the employee filing it, a statement of the grievance, the issue involved, the relief sought, the date the event giving rise to the grievance took place, the employee’s steps to orally review the matter with the employee’s supervisor and the employee’s signature and the date. The City Administrator or his/her designee will investigate the facts giving rise to the grievance and inform the employee of his or her decision, if possible within ten (10) business days of receipt of the grievance. In the event the grievance involves the City Administrator, the grievance shall be filed with the Mayor and the Mayor or his/her designee shall conduct the Step 1 investigation.

18-1-2 Step 2– Impartial Hearing Officer. If the grievance is not settled at the first step, the employee may request in writing, within five (5) business days following receipt of the City Administrator’s decision, a request for written review by an impartial hearing officer. The City Attorney for the City of Merrill or his/her designee shall select the impartial hearing officer. The hearing officer shall not be a City of Merrill employee. The impartial hearing officer will determine whether the City of Merrill acted in an arbitrary and capricious manner. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be followed. Depending on the issue involved, the impartial hearing officer will determine whether a hearing is

necessary, or whether the case may be decided based on a submission of written documents. The impartial hearing officer shall prepare a written decision.

The Hearing Officer shall be compensated at the Hearing Officer's regular rate for the hearing, travel time, and time spent preparing a written decision. The compensation for the Hearing Officer will be split evenly between the parties.

- 18-1-3 **Step 3 – Review by the Governing Body.** If the grievance is not resolved after Step 2, the employee shall request within five (5) business days of receipt of the written decision from the impartial Hearing Officer, a written review by the Governing Body. For Library employees, the appeal shall be filed with the Library Board. For all other employees, the appeal shall be filed with the City of Merrill Common Council. The City of Merrill Common Council shall not take testimony or evidence; it may only determine whether the hearing officer reached an arbitrary or incorrect result based on a review of the record before the City Administrator. The matter will be scheduled for the City of Merrill Common Council's next regular meeting. The City of Merrill Common Council will inform the employee of its findings and decision in writing within ten (10) business days of the City of Merrill Common Council meeting. The City of Merrill Common Council shall decide the matter by majority vote and this decision shall be final and binding.

If the employee fails to meet the deadlines set forth above, the grievance will be considered resolved.

WORKPLACE SAFETY/PROTECTIONS

DISCRIMINATION, HARASSMENT & RETALIATION-FREE WORK PLACE

It is the policy of the City of Merrill to maintain a safe workplace environment that is free from discrimination, harassment, and retaliation. Every employee has a personal responsibility to help maintain a safe and healthful workplace environment. Under Federal and State Fair Employment laws, members of protected classes are shielded from unlawful discrimination, whether engaged in by employees, supervisors, or members of the public, will not be tolerated and will subject offenders to disciplinary action or discharge from employment. Retaliatory acts taken against employees for reporting workplace safety issues, harassment or discrimination will also not be tolerated and will subject the offender to disciplinary action or discharge from employment.

19-1 RESPONSIBILITY TO REPORT. It is the responsibility of each and every employee to immediately report to management any and all health and safety issues, discriminatory, harassing or retaliatory conduct which may relate to the work environment whether it occurs on or off the job. Such conduct includes conduct by employees toward other employees, by employees toward the general public and members of the general public toward employees which relates to their work.

19-2 DEFINITION OF PROTECTED CLASS. State and Federal law prohibits discrimination and harassment based on any protected class including, but not limited to, age, color, creed, disability, religion, sex, national origin, ancestry, arrest record, conviction record, marital status, sexual orientation, genetic testing, membership in the national guard, state defense force or any other reserve component of the military forces, for use or non-use of lawful products off the employer's premises during non-working hours.

19-3 DEFINITION OF HARASSMENT AND ACTS OF DISCRIMINATION. Harassment and acts of discrimination to be reported by employees can include, but are not limited to:

19-3-1 Unsolicited and repeated derogatory epithets, derogatory statements or gestures made to a person because of his/her protected status.

19-3-2 Any attempt to penalize or punish a person because of his/her protected status.

19-3-3 Creating an offensive and hostile working environment for a person because of his/her protected status, including sexual harassment.

19-4 INVESTIGATION OF REPORTS. Reports and allegations of workplace harassment and/or discrimination will be subject to investigation by management as soon as reasonably possible. If an employee is found to be responsible for harassment or other discriminatory conduct, then appropriate disciplinary action may be taken, up to and including

termination from employment. However, such action cannot be taken if management is not first made aware of the complaint.

An employee who has a harassment, discrimination, or retaliation complaint should immediately report it to the City Administrator. The report may be made verbally or in writing. The allegations should provide sufficient information and detail so that the City Administrator can thoroughly investigate the complaint. If the City Administrator is the object of the complaint, then the employee should report directly to the Mayor.

Upon receiving an employee report of harassment, discrimination, or retaliation, the City Administrator will take appropriate steps to investigate the complainant's allegations. Such reports shall be kept confidential to the maximum extent possible. An investigation may include interviewing other employees, speaking with the complainant, interviewing members of the public and reviewing documents such as e-mails, letters or memos. Based upon the investigation's outcome, management will take appropriate action to resolve the complaint. A resolution may or may not result in disciplinary action being taken by the employer.

19-5 DEFINITION OF WORKPLACE SAFETY. The main goal of safety and health programs is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employer. We want to:

- Prevent workplace injuries and illnesses;
- Improve compliance with laws and regulations;
- Reduce costs, including reductions in workers' compensation premiums;
- Engage workers;
- Increase productivity and enhance overall business operations.

Preventing workplace incidents is everyone's job, and your personal safety is your responsibility. Everyone has a role in making sure a workplace is safe. You should always:

- Dress appropriately, from clothing to footwear.
- Keep work areas neat and tidy.
- Be aware of your workplace surroundings
- Follow the rules.
- Report workplace accidents or safety incidents.
- Know and follow emergency procedures.
- Lift, bend, and stretch with care to avoid injury.
- Only operate tools or machinery that you have been trained to use.
- Avoid use of drugs and alcohol at work.
- Take breaks appropriately.

ANY unsafe practice or condition, affecting persons, property, or equipment, must be reported immediately to the Department Head or City Administrator. Should a hazardous situation exist, safety concerns always take precedence over continuing operations. Any employee who identifies

new ways to increase workplace safety, should make those recommendations known to the City Administrator.

WORKPLACE SAFETY/PROTECTIONS

ZERO TOLERANCE (VIOLENCE) POLICY

20-1 PURPOSE. It is the intent of the City to provide a safe work environment. Conduct, whether intentional or unintentional, that constitutes threats/acts of violence, as defined below, will not be tolerated.

20-2 INSIDE THE WORKPLACE. The City will not tolerate any threats, threatening behavior, verbal abuse or acts of violence directed by one employee towards another or by non-employees towards employees within the workplace. Violence is defined to include, but is not limited to: Physical assault, aggressive behavior at another individual, purposeful destruction of City property, intimidation through verbalization, implied threats, threatening or harassing telephone calls or written communications, and destruction of another's property. Implied threats and threatening behavior are defined to include, but are not limited to, verbal remarks, physical acts or actions which express the intention to hurt, destroy or punish.

20-3 OUTSIDE THE WORKPLACE. As acts of violence in the workplace may also be perpetrated by people from outside the workplace, it is the City's policy to require any employee who feels an outside threat poses a risk with the workplace to report the situation to their supervisor.

Each supervisor has the responsibility to maintain his or her workplace free of violence. This duty includes discussing this policy with all employees and assuring them that they are not required to tolerate any threats or acts of violence but are required to make a report to the City if they are a recipient or witness of a threat of violence or victim of an act of violence.

20-4 PROCEDURE. Any employee who has been a recipient or witness of a threat of violence or witness to or victim of an act of violence is to make a report to their supervisor. The supervisor will forward a copy of the report immediately to the City Administrator. The City Administrator will consult with the Police Department on questionable reports of violence.

Any restraining orders shall be filed with the Police Department and supervisors shall be notified of such restraining orders. Any act or threat of violence posing immediate danger should be reported directly to the Police Department by calling 911. Threats from people outside of the workplace must be reported to the City Administrator and the Police Department will assess the need for special safeguards.

20-5 NON-RETALIATION. This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint.

20-6 DISCIPLINARY PROCEDURES. Any reported act or threat will be investigated by the Police Department as a criminal act and/or by the City Administrator as a serious violation of City policy.

Any confirmed act or threat by an employee will be grounds for disciplinary action, up to and including termination of employment.

When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.

WORKPLACE SAFETY/PROTECTIONS

ZERO TOLERANCE (WEAPONS) POLICY

21-1 POLICY. No City employee, Alderperson, Commissioner, Committee/Board member, Mayor, customer, visitor, guest, vendor or anyone else the City deals with in the course of business may possess, or use a weapon of any kind while on City property or conducting City business. In addition, the weapons that employees or others legally have in their vehicles while on City property, conducting business with the City, or attending a City sponsored event, must remain in the vehicle and in their proper carrying case.

Weapons may not be transported in City owned vehicles. Examples of weapons are all firearms, compressed gas operated weapons, any electric weapons as defined in Section 941.295(4) of the Wisconsin Statutes, bows and arrows, crossbows, knives (other than small pocket knives), explosives, or any other device which, in the manner it is used or intended to be used, is calculated or likely to produce bodily harm, or any other device which the City, in its sole discretion, shall deem dangerous. Pepper spray may not be carried by staff.

21-2 EXCEPTION. Tools used on the job in accordance with employment requirements are exempt from this policy. Possession, transport or use of small pocket knives, or knives designed and used for the preparation of food is not prohibited, provided that such possession, transport or use is not intended or likely to produce bodily harm and is not deemed by the City to be dangerous.

21-3 POLICE OFFICERS. Possession, transport, or use of weapons by individuals who are required to carry a weapon as part of their employment, such as a Police Officer, is not prohibited, provided that such possession, transport, or use is in accordance with all applicable laws and regulations, and is in accordance with employment requirements.

21-4 PROCEDURE. Any employee who has been a recipient or witness of a threat of violence or witness to or victim of an act of violence is to make a report to their supervisor. The supervisor will forward a copy of the report immediately to the City Administrator. The City Administrator will consult with the Police Department on questionable reports of violence.

Any restraining orders shall be filed with the Police Department and supervisors shall be notified of such restraining orders. Any act or threat of violence posing immediate danger should be reported directly to the Police Department by calling 911. Threats from people outside of the workplace must be reported to the City Administrator and the Police Department will assess the need for special safeguards.

21-5 NON-RETALIATION. This policy also expressly prohibits retaliation of any kind against any employee bringing a complaint or assisting in the investigation of a complaint.

21-6 DISCIPLINARY PROCEDURES. Any reported act or threat will be investigated by the Police Department as a criminal act or by the City Administrator as a serious violation of City policy.

Any confirmed act or threat by an employee will be grounds for disciplinary action, up to and including termination of employment.

When appropriate, an employee violating this policy will be referred to the Employee Assistance Program (EAP) for evaluation and recommendations.

WORKPLACE SAFETY/PROTECTIONS

SEXUAL HARASSMENT

22-1 POLICY. Sexual harassment is a violation of Section 7.03 of Title VII of the Civil Rights Act of 1968. The City of Merrill maintains and provides a working environment free of any form of employee harassment, including sexual harassment or intimidation. Unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct which creates for our employees an offensive working environment, or interferes with their ability to perform their jobs, constitute serious violations of this policy and will not be tolerated under any circumstances. Any employee who violates this policy, whether intentionally or not, will be subject to appropriate sanctions up to and including discharge.

22-2 VERBAL BEHAVIOR AND/OR NONVERBAL BEHAVIOR. Harassment and intimidation can arise from a broad range of verbal or non-verbal behavior.

22-2-1 Such verbal behavior can include, but is not limited to, the following depending upon the circumstances:

- a. Making sexual comments or innuendoes, such as about a person's body
- b. Turning work discussions to sexual topics
- c. Telling sexual jokes or stories
- d. Asking personal questions about social or sexual life
- e. Repeatedly asking out a person who is not interested
- f. Making kissing sounds, howling and/or smacking lips
- g. Telling lies or spreading rumors about a person's sex life
- h. Request for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.

22-2-2 Such non-verbal behavior can include, but is not limited to, the following depending on the circumstances:

- a. Looking a person up and down
- b. Staring at someone
- c. Blocking a person's path; hindering a person's movement
- d. Following a person
- e. Displaying sexually suggestive visuals
- f. Sending unwanted letters, gifts or material of a sexual nature
- g. Invading a person's "space" – standing closer than appropriate for the work being done, or placing oneself at closer distances to people of their gender
- h. Giving a massage around the neck or shoulders.

These activities are offensive and inappropriate in the workplace. This is a serious issue. It is the responsibility of management, supervisors, and all employees to ensure these prohibited activities don't occur. An employee or supervisor may be held individually liable as a harasser and subject to the same penalties which may be imposed upon employers under state or federal law.

22-3 HANDLING SEXUAL HARASSMENT. If an employee feels that he/she is being subjected to sexual harassment by his/her supervisor, fellow employees or the public, the following action is recommended:

22-3-1 If possible, the employee should politely but firmly confront whomever is doing the harassing and state how he/she feels about his/her behavior. The person may be unaware that his/her behavior is offensive. If practical, a witness should be present for this discussion. At a minimum, the employee should document the incident of sexual harassment, provide a synopsis of the conversation with the person, and the person's reaction when confronted.

22-3-2 If the employee is unable to confront the person or if the harassment continues, the employee should contact the City Administrator or City Attorney. If the City Administrator or City Attorney are the accused, the employee should contact the Mayor or his or her designee. This contact will result in a prompt and confidential investigation.

22-4 REVIEW OF CASES. The City Attorney will review each reported case of sexual harassment. This is done on a case-by-case basis. Should a complaint be substantiated, the employee's supervisor and City Attorney will meet with the accused individual to discuss the case. Any subsequent discipline is handled by the supervisor. In the event that the accused is the employee's supervisor, the Mayor and the City Attorney meet with the supervisor to discuss the case. Any subsequent discipline is handled by the Mayor, or, if the accused is a member of the Police or Fire Departments, by the Police and Fire Commission.

22-5 DISCIPLINE. Violations of this policy may result in disciplinary actions.

22-6 MISUSE OF POLICY. Any employee who intentionally falsifies reports or otherwise attempts to utilize this policy for purposes other than those for which it was intended, shall be subject to disciplinary action, up to and including discharge.

WORKPLACE SAFTY REPORT

Name: _____

Department: _____

Job Title: _____

Immediate Supervisor: _____

1. Who was responsible for violating the Workplace Safety Policy(s):

2. Describe the incident. Include time, date(s) and location for each incident.

3. What was your reaction:

4. List any witnesses to the incident:

I UNDERSTAND THAT THESE INCIDENTS WILL BE INVESTIGATED AND THAT THIS FORM WILL BE KEPT CONFIDENTIAL TO THE EXTENT POSSIBLE.

Employee Signature

Date

WORKPLACE SAFETY
INVESTIGATION FORM

(City Administrator/Personnel Director)

Name: _____ Date: _____

Employee Telephone Number: _____

Immediate Supervisor: _____

1. What Happened? (Objectively state details): _____

2. Who was involved? (Include witnesses): _____

3. Where did the incident take place? _____

4. When did it take place? (date and time): _____

5. Does this situation constitute a complaint? (Policy violation, criminal investigation, other management decision): _____

6. Dates of investigation of complaint: _____

7. Date of final report: _____

8. Date of follow-up conference with employee: _____

9. Results: _____

10. Date of follow-up conference with employee: _____

11. Results: _____

MISCELLANEOUS CONDITIONS OF EMPLOYMENT

MISCELLANEOUS CONDITIONS

23-1 PURPOSE. This chapter sets forth a definition of the relationships that exist between the City of Merrill and all of its employees who are not covered by a collective bargaining agreement or an individual employment contract. This chapter also defines other conditions of employment not set forth elsewhere in this manual.

23-2 EMPLOYMENT STATUS. All employees other than those covered by a collective bargaining agreement or an individual employment contract are considered to be employed at will, meaning that there exists no contractual employment relationship between the City of Merrill and the employee, either expressed or implied, and meaning further that such employment relationship may be terminated at will by either the City or the employee, subject, however, to the other provisions of this manual, City of Merrill Code of Ordinances, and State and Federal Law.

23-3 PUBLIC SERVICE MISSION. Each employee of the City of Merrill is expected to deal with the public at all times in prompt, polite, and helpful manners. Fulfillment of this requirement may mean occasional personal inconvenience.

23-4 DRESS AND GROOMING. All employees are to dress and be groomed appropriately for the job in accordance with department requirements and health and safety standards.

23-4-1 Employees' clothing must be neat and clean. In the event of any questions regarding the appropriateness of any particular style of clothing or grooming, the Department Head makes the final determination.

23-4-2 Employees in the positions of Utilities Operator, Public Works Foreman, and Public Works I and II will be provided coveralls or uniforms, and fluorescent type t-shirts for the summer purchased by the City. Uniforms/shirts shall be worn by all employees to whom they are issued.

23-4-3 Safety Toe Boots shall be worn by all employees in the positions of Utilities Operator, Public Works Foreman, and Public Works I, and II.

23-4-4 The City shall provide a \$300 payment annually to field personnel in the Street, Utilities, Parks, and Maintenance Departments as a clothing allowance.

23-5 USE OF EQUIPMENT. Employees are not to use City equipment for non-city purposes without permission from the Department Head. Employees may not use personal equipment in connection with their jobs unless they obtain prior approval from their Department

Head. The City is not responsible for any damages or repairs to personal equipment of employees used in connection with their jobs unless the use of the equipment for City purposes was approved in writing by the Department Head. If such personal equipment is damaged in the course of City business, any repairs must be approved by the City Administrator. In no event may damages or repairs exceed \$500 without prior approval of the Common Council.

23-6 CITY VEHICLES. Use of City vehicles by employees is only for the benefit and convenience of the City. Employees may not use City vehicles to travel to and from their homes unless they are subject to emergency call at any time or their work schedules require them to leave directly from a work site related to their position away from their personal vehicle or travel directly to a work site away from their normal office or work site. City owned vehicles may not be taken to employee residences outside of the city limits.

23-7 USE OF CITY TELEPHONE. Personal use of department telephones is permitted. However, care should be taken to limit calls to emergencies and other essential matters.

23-7-1 Some City employees, in order to better accommodate service to the public, have been assigned cell phones. City cell phones assigned to employees are for City business purposes. It is recognized that some personal telephone calls are necessary, but these should be kept as brief as possible. All cell phones are subject to audit. In the event that an employee is found to have made excessive personal calls on a cell phone, the employee's privilege to use the cell phone may be discontinued and further disciplinary action may be taken.

23-8 USE OF PERSONAL CELL PHONE/MOBILE DEVICES. The purpose of this policy is to promote a safe and productive work environment and increase public safety. This policy applies to both incoming and outgoing cellular calls as well as email, web browsing, and any other application on a cell phone or other mobile device, per open records statutes.

23-8-1 Cell phones and mobile devices shall be turned off or set to silent or vibrate mode during meetings, conferences and in other locations where incoming calls may disrupt normal workflow.

23-8-2 Employees may carry personal cell phones and other mobile devices while at work and use them on an occasional and infrequent basis. If employee use of a personal cell phone or mobile device causes disruptions or loss in productivity, the employee may become subject to disciplinary action per City policy. Department Heads or Managers reserve the right to request that the employee provide cell phone bills and usage reports for calls, texts, and data usage during the working hours of that employee to determine if use is excessive.

- 23-8-3 Personal cell phones and mobile devices can be used for City business on an occasional and infrequent basis.
- 23-8-4 An employee shall not make a call, send or read a text message, read, compose, or send email, browse the internet, or use any application on a cell phone or other mobile device while operating a City owned vehicle. If an employee is operating a City owned vehicle and receives a call or message on a cell phone or mobile device, the employee may answer the call or respond to the message only if a “hands free” device is used and then only if it does not interfere with the safe operation of the vehicle and is not in violation of any State or local regulations. Otherwise, the employee may pull to the side of the roadway, into a parking lot or other safe location to respond to the call or message.
- 23-8-5 Failure to follow this policy may result in disciplinary action up to and including termination.

23-9 COMPUTER/ELECTRONIC USE POLICY: The computer systems owned by the City of Merrill must remain useable and maintain the security, confidentiality, accessibility and efficiency of business related information. This includes the workstation/laptop/device that has been issued to you. Users of the City of Merrill computer systems are to understand and comply with the following:

- 23-9-1 a. Use of Computer Resources
Computers and network resources are provided as a business tool to enable users to perform their job duties. These resources are to be used by City of Merrill employees for business purposes only. Any other use of the City’s computer systems must be approved in advance by the user’s Department Head, must be done on the user’s own time and must not disrupt the department workflow or interfere with any automated or scheduled network utilities. Keep in mind; you are responsible for anything that happens while you are logged in under your user name and password. Computer activities will be monitored to protect legitimate business interests. This includes Internet browsing and e-mail. Users are responsible, and may be held liable for a computer becoming infected with a virus or other malicious software.
- b. Ownership
All information/data/documents that are produced by the City of Merrill computer system shall be considered the property of the City of Merrill. All communications and information accessible via the network should be assumed to be property of the City of Merrill. Employees should not have the expectation of privacy in anything they create, send or receive on the computer, except that all communications which are confidential according to

state and/or federal law will be treated with the same care and insurance of privacy as non-electronic records.

c. Remote Access

Employee owned devices may be used to access City of Merrill e-mail and for the remote access of applications the employee has been given permission to use by their Department Head. When accessing e-mail or applications remotely, the employee is under the same restrictions and has the same responsibilities and obligations as when he/she is at the office. The employee will take care to assure that information owned by the City of Merrill is not viewed by or disseminated to another person who is not authorized.

d. Illegal Activity

The City of Merrill's computing and Internet resources must not be used to violate the laws and regulations of the United States or any other nation, the laws and regulations of any state, city, providence, or other local jurisdiction in any material way. Use of any City resources for illegal activity is grounds for immediate dismissal, and we will cooperate with any legitimate law enforcement activity. Attempting to gain unauthorized access to any computer system and/or network resource is against the law and is prohibited and may subject an employee to disciplinary action including but not limited to termination.

e. Workstation Settings

Workstations are setup by the Technology Department and are configured to communicate with the network. Users are prohibited from making any configuration changes to their systems without approval from the Technology Department. Any configuration changes that are required on a workstation will be performed by, or approved by the Technology Department.

f. Acquisition / Disposal of Computer Equipment

The Technology Department is responsible for the accurate inventory and appropriate disposal of all computer equipment for the City of Merrill. For this reason, the purchase and disposal of computer related items must go through the Technology Department. This will insure that the equipment is entered into our records for inventory, and eventual disposal is done in a safe, secure fashion.

23-9-2

Software

a. Any and all software that is installed on City of Merrill Computers is to be done by, or approved by the City of Merrill Technology Department.

b. Installing personal games or software on City of Merrill computers is prohibited by this policy. The Technology Department is responsible for the installation, licensing, and documentation of all software on City computer equipment.

c. Copying and/or using any software that has been illegally obtained or copied is prohibited. Any employee using software not accessed through the network (installed on the workstations hard drive), not installed by the Technology Department, even if approved by the Technology Department, must be able to provide a license and/or proof of purchase.

d. Employees are prohibited from making copies of any software, files, or documentation owned by the City of Merrill for use outside the City and/or for use on personal computers in their homes. Software and documentation must be used only in ways that are consistent with their licenses or copyrights.

e. Any software that is installed illegally, not approved by or installed by the Technology Department may be deleted from the network or workstation. This will include any of the supporting files that may have been created with the illegally obtained/installed software. In addition, information about the incident will be forwarded to the Department Head or Oversight Committee for disciplinary action. Software installations will be monitored.

f. Users are prohibited from deleting/uninstalling/disabling software applications, system files, anti-virus software, anti-malware software, or any other file/folder that they did not create or have ownership of from their workstations or city network resources.

23-9-3

Security

a. User Accounts/Passwords

The Technology Department has issued you a login name and a password. Passwords are the first line of defense for security. Each user's password is a unique key to applications, files, departmental data, and functions. Your password must be kept confidential. Passwords are not to be disclosed to others, entered for use by another person, or loaded automatically when the computer is turned on or an application started. At the close of each workday, users must log out of the system. In addition, users with access to sensitive data are to log out or lock their workstation when leaving their work area. Any employee who feels the confidentiality of a password has been breached is to contact the Technology Department immediately.

Passwords protect you and your files from unauthorized use. You are

responsible to make sure that your password remains confidential. You will be held accountable for anything that happens on your workstation or the network while logged in under your user name and password.

You will be required to change your password on a regular basis for security purposes. The system will alert you prior to your password expiring. There are length and complexity requirements for passwords and the system will help you choose an appropriate password based on the current password policy. If you forget your password, contact the Technology Department to have it re-set.

b. Network Access

Users are prohibited from trying to ‘crack’ another user’s password, log on as another user, or log onto any City computer system that they have not been granted access to use. System access is monitored and logged. If you need to access information or systems that are currently unavailable to you, it can be setup for your access if approved by your Department Head, or the owner of the information or system.

c. Shared Folders

Shared folders will be set up at the department level. Any documents that will be shared by users in your office can be stored in this shared folder. Shared folders allow your department to share common documents without giving them access to your personal directory. For this reason it is not necessary for another user to have your password. If there is information that must be shared, it should be stored in the shared departmental folder, or the Shared folder (S drive) for city-wide access.

23-9-4

Etiquette

- a. Be polite.
- b. Use appropriate language. Do not use abusive language in messages or communications to others. Do not use swear words, vulgarities or any other inappropriate language. Use the same care in drafting messages as you do in written communications. Do not use the network or Internet in such a way that would disrupt the use of the network by others.
- c. Users are responsible for the appropriateness and content of material they transmit or publish on the network and Internet. Hate mail, harassment, discriminatory remarks or other antisocial behavior such as targeting another person or organization to cause distress, embarrassment, injury, unwanted attention or other substantial discomfort is prohibited. Personal attacks or other action to threaten or intimidate or embarrass an

individual group or organization or attacks based on a person's race, national origin, ethnicity, handicap, religion, gender, veteran status, sexual orientation or another such characteristic or affiliation is prohibited and shall result in disciplinary action including, but not limited to, the termination of the right to access the Internet/e-mail and/or termination of employment.

23-9-5 **Electronic Mail**

- a. E-mail may not be used for commercial solicitation and/or personal activities.
- b. Users must clearly identify themselves by name, title, agency, and employer (City of Merrill) in all E-mail communications going outside of our network.
- c. Users must be aware that the Internet is not secure and assume that others can read and possibly alter E-mail. Users must take all necessary precautions to ensure that confidential information exchanged over the network and/or Internet and through E-mail is handled in such a way to maintain the confidentiality of the information.
- d. No form of a chain letter or similar communication may be sent on the network or Internet.
- e. Sending mail that appears to have come from someone else is prohibited.
- f. Use extreme caution when downloading attached files and/or programs from persons known or unknown since they may contain viruses.
- g. E-mail received at the City of Merrill is retained on the system until deleted by the recipient. In addition, E-mail deleted on the system by the recipient will continue to exist in an archive file.
- h. Employees are expected to delete E-mail in a timely manner. The Technology Department may remove such mail if not attended to regularly by the recipient.
- i. The City of Merrill reserves the right to inspect contents of E-mail. The City of Merrill will fully cooperate with local, state and/or federal

officials in any investigation concerning or relating to any E-mail transmitted from or received at any City of Merrill facility.

- j. The City of Merrill recognizes that some messages sent via E-mail for valid city purposes contain privileged and confidential material. Therefore, any such material discovered during compliance monitoring by The City of Merrill shall be handled with the same care and protection as written documents containing such material. Any person disclosing confidential and/or privileged material without appropriate authorization shall be subject to disciplinary action, including but not limited to termination of employment.

(Also found in City of Merrill Administrative Procedure Manual - Policies and Procedures)

23-10 ELECTRONIC MEDIA AND SOCIAL MEDIA POLICY. Information, in all its forms, written, spoken, recorded electronically, or printed, will be protected from accidental or intentional unauthorized modification, destruction, or disclosure. All electronic media must be protected from misuse, unauthorized manipulation, and destruction. It is further the policy of the employer that employees may not use social media technology to engage in or post communications or material that would violate any Handbook policy, including, but not limited to, using technology to post communications or materials that are derogatory or offensive with respect to race, religion, gender, sexual orientation, national origin, disability, age, or any other legally protected class status.

23-10-1 General Guidelines – Electronic Media:

- a. All employer-provided electronic media systems are the employer's property. Additionally, all messages and files composed, sent or received on these systems are and remain the property of the employer. They are not the private property of any employee.
- b. The use of our electronic media systems is reserved solely for the conduct of business, during work hours. However, if employees wish to use these systems during breaks, lunch periods, or before and after regular working hours, they may do so, but employees are specifically prohibited from using these services for any illegal, illicit, immoral or offensive purposes.
- c. The electronic media systems may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-job-related solicitations.
- d. The electronic media systems are not to be used to create any offensive or disruptive messages or documents.

- e. The electronic media systems may not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information or similar materials without prior authorization.
- f. The employer reserves and intends to exercise the right to review, audit, intercept, access and disclose all internet activity and any messages or documents created, received or sent over the employer's electronic media systems for any purpose.
- g. The confidentiality of any message cannot be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to management or they are invalid and cannot be used.
- h. Employees may not modify, delete, or destroy any employer document created by any electronic media unless specifically authorized to do so.

23-10-2

General Guidelines – Social Media:

- a. ***Only on Your Own Time.*** Unless you have received advance permission from your supervisor or unless such activity is directly related to the performance of your job, you may not engage in social media activity on work time.
- b. ***Post as Yourself.*** Make clear that you are expressing your personal views alone, not those of your employer.
- c. ***Be Respectful and Nice.*** Do not post communications or material that is disparaging, obscene, profane, vulgar, bullying, threatening, or inappropriately inflammatory.
- d. ***Use Good Judgment.*** Because what you say online is accessible to the public, use good judgment in your communications.
- e. ***Obey the Law.*** Do not post any material that violates the law, such as material that is obscene, profane, defamatory, threatening, harassing, or that violates the privacy rights of someone else. The posting of such material may subject you to criminal and civil liability.
- f. ***Don't Expect Privacy.*** Because your social media communications

are publicly available, you should not expect that your communications are private in any way. Once you post something online, it is completely out of your control and generally available to anyone in the world

- g. **Ask for Guidance.** If you have any questions about what is appropriate to include in social media communications, ask your supervisor.
- h. **Comply with Harassment and Other Policies.** Employees may not use social media technology to engage in or post communications or material that would violate any other Handbook Policy, including, but not limited to, Workplace Safety, Discrimination, Harassment and Retaliation policy.
- i. **Keep Secrets.** You must not disclose confidential information.

23-10-3 **Duty to Report:** All employees have a duty to report any discovered or suspected unauthorized or improper usage of electronic media or social media with impact on the workplace.

23-10-4 **Policy Violations:** Employees who violate this policy may be subject to discipline, up to and including immediate termination of employment.

23-11 INCLEMENT WEATHER. In the event that bad weather (such as snow or freezing rain) creates hazardous traveling conditions between an employee's home and his/her work site, and the employee cannot make it to work, vacation time may be used by the employee for time missed. In order for an employee to utilize vacation time, he or she must notify the Department Head or the City Administrator of the employee's inability to travel safely to work

23-12 TRAVEL POLICY. It is recognized that certain employees are required to travel in order to satisfy the responsibilities of their jobs. The City has therefore established the following policy regarding travel, travel expenses, and related matters.

23-12-1 **Travel Time.** If it is necessary for a nonexempt employee to travel, a record must be kept and payment made for all hours spent in actual travel and for time worked outside normal working hours, in addition to those hours considered as normal working hours. In the event such travel and work time results in hours over and above normal working hours, such hours are paid at a rate in accordance with the overtime pay policy.

23-12-2 **Use of Personal Auto.** It is the City Administrator's responsibility to ensure that all employees who utilize their personal vehicles for business use are

properly notified of certain conditions and requirements as reflected in this policy. (Notification may be accomplished by means of issuing a copy of this policy to those employees who have occasion to travel.)

- (a) ***Voluntary Use.*** The use of a personal automobile in the performance of City business is entirely voluntary.

- (b) ***Auto Insurance.*** The City does not provide insurance coverage for any employee who uses his or her personal auto for business purposes. The mileage allowance policy is provided to cover the cost of gas, maintenance, repair, and insurance while on City business. Since the City assumes no responsibility beyond making available mileage reimbursement allowance, it is the employee's responsibility to protect against damage to his or her auto and legal liability in such form and amount as the employee deems adequate. It is suggested that those employees who have occasion to use their personal auto for business purposes carry a minimum coverage of:
\$100,000/\$300,000 bodily injury \$100,000 property damage.

However, it is highly recommended that employees consult with their own insurance agent and consider carrying liability coverage in excess of this to ensure avoidance of a situation which could potentially be a financial burden to the employee. Note: it is possible that an employee's carrier will deny coverage due to misrepresentation regarding the usage of an automobile. It is therefore essential that employees who use their personal auto on City business properly inform their carrier accordingly, to ensure complete coverage.

23-13 TRAVEL, LODGING AND MEAL REIMBURSEMENT. The City reimburses an employee for necessary and reasonable travel expense incurred while on authorized official City business. All such travel must be authorized by the employee's Department Head in order to be eligible for reimbursement.

23-13-1 The Department Head approves travel expenses as set forth in the budget approved by the Common Council. An extraordinary expense beyond the amount budgeted requires the approval of the Common Council.

23-13-2 Travel advances may be requested by the employee when the total of such expenses is anticipated to exceed \$50.00.

23-14 MILEAGE. The City reimburses employees at the standard IRS mileage rate, as amended from time to time when employees use their own vehicles for official travel.

23-15 LODGING. Lodging should be at a hotel or motel reasonably close to the place at which an employee is expected to conduct business or attend a conference during the day so that additional public transportation costs are not incurred. Prior approval is required from the City Administrator when overnight lodging is requested at a place less than 50 miles from the City of Merrill. If more than one employee from the same department attends a meeting or conference, room sharing is encouraged. Request for reimbursement of hotel expense may not be granted if the location of the conference is less than two hours from location of work site, unless a work related purpose exists for overnight lodging.

23-16 MEALS. Although any claims for the reimbursement of meal costs are expected to represent actual, reasonable and necessary expenses, including tips at a maximum rate of 15 percent, receipts are not required provided the maximum allowances set for breakfast, lunch and dinner are not exceeded, except if required by individual department standard operating procedures approved by the Department Head. The current rate of reimbursement for meals, including tips, provides a maximum of \$10.00 for breakfast, \$12.00 for lunch and \$15.00 for dinner. If a meal is part of the conference, convention or instructional program being attended by the employee and a higher amount is charged each participant, the higher amount is reimbursed upon documented receipts. If the meal is part of the conference fee, the total meal reimbursement for that day without receipts is reduced by the maximum allowance for the meal provided.

23-16-1 **Documentation Requirements.** Receipts for meals are not required except for any unusual amount in excess of the maximum-permitted amounts, which must be accompanied by a receipt and explanation. Such costs may be allowed when they are outside the employee's control (i.e., the mandatory meal cost at a meeting or conference approved by the state). When claiming reimbursement for meal expenses incurred while attending a conference, employees shall be required to attach a copy of the conference brochure to the travel voucher.

23-16-2 **Eligibility Requirements.** Reimbursement for meals will be allowed on trips which require overnight lodging expenses as well as non-overnight trips in accordance with the following time requirements:

- (a) **Breakfast;** provided the employee is on work status before 6:00 a.m.
- (b) **Lunch;** provided the employee leaves the city before 10:30 a.m. and returns after 2:30 p.m.
- (c) **Dinner;** provided the employee leaves directly from work and returns home after 7:00 p.m.

Note: If an employee on travel status is working other than a day-shift (8:00 a.m. - 4:30 p.m.), reimbursement maximum limits shall be based on the type of meal appropriate to the time of day.

Even if the time requirements are satisfied, the reimbursement will NOT be allowable when the employee is within the boundary of the City. All claims must normally meet the above criteria. Modifications under unique work situations are possible, such as business luncheons where the employee's presence is required for the benefit of the City.

23-16-3 **Reporting Taxable Travel Expense Reimbursements for Non-Overnight Trips.** The City is required to report as taxable income, all reimbursed meal expenses when the employee does not stay overnight.

23-17 AUTO INSURANCE. All employees who drive their personal vehicle for City business are required to purchase and maintain at their own expense auto insurance at a level which meets the City's minimum standards.

23-18 SMOKING. All City of Merrill buildings and City owned equipment are smoke or tobacco free. As a result, smoking and tobacco use are not permitted inside City owned buildings or in City owned equipment. Pursuant to Section 16-1-10, there shall be no smoking or tobacco use, while on duty, in City owned property or in/on City owned equipment.

23-19 LICENSES AND CERTIFICATION. Any employee, in order to operate a City vehicle or equipment, must possess an appropriate and valid operator's license complying with the State of Wisconsin requirements for that occupation and submit a photocopy of that license as proof. The cost of obtaining and maintaining a commercial driver's license when required by State law for operating City vehicles is reimbursed by the City. The City also pays for any professional licenses or certifications required of an employee to fulfill the requirements of his or her position.

If an employee's Commercial Driver's license is revoked or suspended, the employee may be assigned other work, which may or may not be at the employee's pay rate, or if no alternative work is available, the employee may be placed on lay-off until such time the employee is able to obtain a CDL or other work becomes available.

23-20 NON-UNION POLICE PERSONNEL. The following provisions apply to police department employees not covered by a collective bargaining agreement, including sworn and non-sworn personnel as applicable.

23-20-1 Clothing Allowance: As per the current Merrill Professional Police Contract for sworn personnel.

23-20-2 In recognition that sworn police personnel are required to maintain proficiency or certifications in work related fields, each sworn officer shall receive the same amount as per the current Merrill Professional Police Contract annually based on certifications maintained in the previous year, as

determined by the Chief.

In addition, all police personnel who are trained and certified in CPR and first aid, as determined by the Chief, shall receive \$100 certification pay annually.

Certification pay should be paid at the same time as union personnel receive such pay.

- 23-20-3 Officers attending or instructing training sessions, approved by the Chief, while off-duty will receive two (2) hours straight time pay plus any additional time spent at the training.
- 23-20-4 Night Shift Differential: Non-Union Police Personnel working the same shift as union personnel shall receive the same shift differential per the current Merrill Professional Police Contract.
- 23-20-5 Call Time Emergency: Two hours straight pay for call time plus time and one-half for actual time spent with no minimum.
- 23-20-6 Court Time: If called to testify in court while off-duty, police personnel receive pay at the rate of time and one-half with a two hour minimum.
- 23-20-7 Sworn police personnel who have obtained at least an Associate's Degree in Police Science or a related field shall receive an annual education benefit as per the current Merrill Professional Police Contract to be paid at the same time as union personnel receive such pay.

23-21 NON-UNION FIRE PERSONNEL. The following provisions apply to fire department employees not covered by a collective bargaining agreement, including sworn and non-sworn personnel as applicable.

- 23-21-1 **Clothing Allowance.** Battalion Chiefs - Administration and Operations shall receive a clothing allowance as per the current Merrill Firefighters Local 847, International Association of Firefighters Contract.

The City provides the Chief with a uniform and pay for its upkeep, including, but not limited to repair, replacement and cleaning.

- 23-21-2 Firefighters who have obtained at least an Associate's Degree in Fire Administration, Fire Prevention Technology, Fire Science or a related field shall receive an annual education benefit as per the current contract with the Merrill Firefighters Local 847, International Association of Firefighters.